

**DECLARATION OF  
RABBI NATHAN (NOSSON) NEUMAN  
(EXHIBIT 2)**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

YITZCHOK LEBOVITS and  
CHANA SHAPIRO-LEBOVITS, on  
their own behalf and on behalf of their  
daughters E.L., a minor, and A.L., a  
minor; and  
BAIS YAAKOV ATERES MIRIAM, a  
New York religious corporation,

*Plaintiffs,*

v.

ANDREW M. CUOMO, individually  
and in his official capacity as Governor  
of the State of New York;  
BILL DE BLASIO, individually and in  
his official capacity as Mayor of the City  
of New York;  
LETITIA JAMES, in her official capac-  
ity as Attorney General of the State of  
New York;  
HOWARD A. ZUCKER, in his official  
capacity as Commissioner of the New  
York State Department of Health;  
CITY OF NEW YORK; and  
NEW YORK CITY DEPARTMENT OF  
HEALTH AND MENTAL HYGIENE,

Civil No. 1:20-cv-01284-GLS-DJS  
Hon. Gary L. Sharpe

**DECLARATION OF RABBI  
NOSSON NEUMAN**

I, Rabbi Nathan (Nosson) Neuman, declare:

1. I am a resident of Cedarhurst, New York.
2. I am a practicing Orthodox Jew.
3. I am the Menahel (Dean) of Bais Yaakov Ateres Miriam (“BYAM”), a religious girls’ school that I founded in 2012. As Menahel, I am BYAM’s chief spiritual and educational leader.

4. I received a Bachelor in Talmudical Law from the Talmudical Academy of Adelphia, New Jersey, and a Masters equivalent degree from Mercaz L'hechsherat Morim (The Center for the Certification of Teachers).

5. I received my Rabbinic Ordination (Semichah) from Rabbi Yisroel Plutchok of Yeshiva Derech Chaim in Brooklyn, New York.

6. Bais Yaakov is a global movement of Orthodox schools for Jewish girls.

7. Bais Yaakov Ateres Miriam (BYAM), which I founded in 2012, is a religious girls' school affiliated with the Bais Yaakov movement and located in Far Rockaway, Queens.

8. After beginning as a pre-school with only 31 students, BYAM has, in less than a decade, grown to more than 300 students from nursery school through 8th grade.

9. BYAM exists to instill the values and traditions of Orthodox Judaism in the next generation of women. In-person education is a critical component of this religious mission—and of Orthodox Judaism—as BYAM understands it.

10. The study and implementation of Torah constitutes the ultimate religious experience for Jewish youth, and that practice is at the heart of a BYAM education. The Talmud teaches that Torah is acquired only in a group setting. *See: b. Talmud Berakhot 62b.*

11. Moreover, Torah study can be most fully experienced face-to-face, from teacher to pupil or between colleagues—just as when God first gave the Torah he did so by “speak[ing] to Moses face to face, as a man speaks to his friend.” *Exodus 33:11.*

12. Prayer is also a central part of BYAM's religious mission. Every school day begins with extensive communal prayer, which both fulfills a religious obligation for prayer and also sets the tone for the entire day's activities. For example, in their daily prayers, girls at BYAM recite the passage of *Elu Devarim*, devoting themselves to

good deeds including acts of kindness, helping the sick, feeding the hungry, honoring the deceased, promoting peace, and studying the Torah. *See* Nosson Scherman, *The Complete Artscroll Siddur* 16-17 (New York: Mesorah Publications, 1990).

13. It is critical for prayers like these to be said communally and in-person. As the Talmud teaches, Hashem (G-d) does not turn away from the prayer of the masses, said in unison. The Talmud also teaches that Jews should assemble in groups for prayers and rituals, as, per Proverbs 14:28, “In the multitude of people is the king’s glory.” *See: b. Talmud Berakhot 8a and b. Talmud Yoma 70a.*

14. Similarly, from a young age, and over an extended period of time, students learn to recite *Birkas Ha-Mazon* (Grace After Meals). This obligatory prayer, recited after any meal with bread and sometimes after other meals, is a long and intricate Hebrew prayer that a student should learn to recite by heart, since she may not have a prayer book with her at all times. It is virtually impossible to learn this prayer on Zoom or other virtual means, except perhaps with one-on-one instruction, and even then it would prove difficult. The prayer is sung by a group, with weaker students learning from stronger ones, and teachers correcting mistakes. Chaim Gross and Shraga Simmons, *Birkat Hamazon* <https://www.aish.com/jl/jewish-law/blessings/34-Birkat-Hamazon--Part-1.html> (last accessed Oct. 16, 2020).

15. Additionally, starting in third grade, students learn to pray the *shimone esrei*, a crucial prayer recited thrice daily by all Jews. There are many parts to *shimone esrei* that require movement, such as bowing down and moving forward and backward, that cannot be effectively taught and learned over Zoom.

16. This has become evident with our fourth-grade students. Although they were taught the *shimone esrei* last year over Zoom, the girls did not retain it. In order to make efficient use of time, BYAM split the fourth-grade class into two and hired a separate teacher to teach one group of girls while the teacher taught the other group.



17. Learning to read Hebrew is vital for reciting Orthodox Jewish prayers and blessings, as well as for reading the Hebrew Bible, which is done in the original. Hebrew instruction itself is ritualized in a manner that can only be realized in in-person groups. For centuries, Jews have accompanied the learning of the *Aleph Bais*—the Hebrew alphabet—with celebrations complete with the baking and eating of special foods such as cakes inscribed with Hebrew letters, honey licked from inedible letters, and cookies baked in the shape of letters. In keeping with this tradition, BYAM teaches students to bake cookies in the shape of Hebrew letters. This cannot be done remotely. See: *Ephraim Kanarfogel, Jewish Education and Society in the High Middle Ages (Detroit: Wayne State Univ. Press, 1992)*

18. Hebrew instruction is not easily teachable through remote instruction. In addition to other challenges such as social and emotional well-being, I have noticed a significant dropoff in the quality of Hebrew reading and recitation, which is causing a delay in students' ability to pray and study religious texts.

19. For example, our first and second grade Hebrew and General studies teachers noted that students' had alarmingly low reading skills when they entered their classes in September.

20. First-grade students entered without knowing the names and sounds of the alphabet and the *Aleph Bais*, even though letter sound association was taught over Zoom the previous school year. First grade teachers had to therefore start teaching Hebrew reading from the kindergarten curriculum.

21. Likewise, despite the herculean efforts of teachers from last year—who were compelled to teach over Zoom from March to June—BYAM's second-grade students tested close to a full year below grade level in Hebrew reading. This is something that has never occurred before.

22. BYAM is also the forum for important rites of passage in a young girl's life, as well as other rituals that cannot be replicated online.

23. For example, in a Siddur ceremony, I (as rabbi) give girls a prayer book with their names inscribed. Making a siddur ceremony at home would not achieve the same purpose of instilling love and dedication through personal connection and celebration. Attached as **Exhibit A** are photographs from one of these important ceremonies (with students' faces blurred for privacy).

24. Similarly, BYAM conveys the ethical teachings of its faith not just through instruction but through practice and social interaction. For example, students often work together to draw get-well cards for the sick, or create art projects to send to old-age homes.

25. BYAM also celebrates Jewish holidays in a way that must be conducted in-person. In the month leading up to Rosh Hashana, for example, I (as rabbi) blow a *shofar* (ram's horn) as part of an important Jewish ritual. A *shofar* blast's impact cannot be conveyed through virtual meetings. See Orthodox Union, *The Shofar of Elul and the Days of Awe* (June 29, 2006), <https://www.ou.org/holidays/the-shofar-of-elul-and-the-days-of-awe/>.

26. Likewise, the Jewish holiday of Purim, described in the biblical book of Esther, commemorates the salvation of the Jewish people from Haman, an Achaemenid Persian Empire official, who attempted to exterminate the Jewish people. There is a special religious obligation to rejoice beginning with the month in which the holiday occurs. BYAM carries on this Jewish practice with traditions such as costume-wearing, plays, music, and a carnival. These activities cannot be realized remotely. Orthodox Union, *The Month of Adar*, <https://www.ou.org/holidays/month-adar/>.

27. And leading up to Chanukkah—the Jewish holiday celebrating the rededication of the Second Temple in Jerusalem—students make their own menorahs, which are candelabras used for the holiday. Jewish law also teaches that people

should eat oily foods. Students often eat special jelly donuts, known as sufganiyot, during this period.

28. The girls also learn how to make braided challah bread, which is traditionally eaten as the ritual beginning of the Sabbath meals. The baking itself involves ritual instruction and practice, as girls “separate challah,” reciting a blessing and setting aside a piece of dough as holy. This hands-on instruction cannot be accomplished remotely. *See: Numbers 15:17-21*; Yvette Alt Miller, *Six Facts About Challah* (Aug. 29, 2020), <https://www.aish.com/jw/s/Six-Facts-About-Challah.html>.

29. Religious music is a central component of Jewish education at BYAM. Our students learn, write, and sing religious songs, pray with song, and even study biblical scripture with chanting. Group singing and musical instruction cannot be done in an effective manner remotely. *See generally* **Exhibit B**.

30. For all these reasons and more, Orthodox Jewish education cannot be fully replicated by telelearning, threatening the vitality of our traditions and the religious messages they convey in the lives of current students.

31. The mission of BYAM is to provide an Orthodox Jewish education to girls outside of the home, with their peers, and led by a Rabbi. Making that impossible—indefinitely—undermines the entire point of our school.

32. As the COVID-19 pandemic hit New York in March 2020, BYAM willingly moved to remote instruction for the remainder of the school year out of a religious and ethical concern to protect their neighbors and comply with the law.

33. BYAM spent approximately \$12,000 to equip the school with WiFi and to purchase additional laptops and tablets for students and teachers to use for remote instruction.

34. During a period in which BYAM was forced to temporarily cease in-person instruction because of the COVID-19 pandemic, the State issued reopening

guidance entitled *New York State Reopening Guidance for Religious and Independent Schools*. A true and correct copy of that document, as it was sent to BYAM, is attached as **Exhibit C**.

35. On July 31, 2020, BYAM submitted an individual reopening plan as called for by the State's guidance. A true and correct copy of that document is attached as **Exhibit D**.

36. Since BYAM's submission of our reopening plan, we have not been notified by the State of any need for modification to our plan.

37. BYAM reopened on September 8, 2020. Since reopening, BYAM has fully complied with its reopening plan.

38. Due to the comprehensive measures adopted by BYAM and the vigilance of its teachers, students, and families, no student or staff at BYAM has contracted COVID-19 from school activities.

39. Indeed, in one instance, pursuant to BYAM's requirement that parents "self-assess their children before sending them to school," a mother notified BYAM that a student's father was feeling ill. In response, BYAM instructed the mother to keep the child at home. It was later discovered that the father and the family contracted COVID-19. Pursuant to the State's guidance and BYAM's reopening plan, that student was quarantined and did not attend in-person instruction at BYAM again until she fully recovered, exhibited no symptoms, and was found not to be able to transmit COVID-19. BYAM's protocols thus successfully prevented the possibility of COVID-19 transmission in the school.

40. In light of the recent order, we have now stopped in-person education at the school. See **Exhibit E** (October 8, 2020, letter BYAM received from the New York City Department of Education stating that under "the Governor's Order" "you **must** close").

41. We are seeking the right to reopen the school on Tuesday October 27, after having tested everyone for COVID and not letting people back on the premises until they are clear.


42. On October 15, BYAM received an unscheduled visit from the New York City Department of Health and Mental Hygiene. The inspector's name was Darryl Stevenson. I was present when the inspector arrived, we provided full access and explained that (in compliance with current rules permitting childcare, but not schools) only Nursery through Kindergarten were present, and the rest of school was not present. He toured the building, took some pictures, and went outside to consult with his supervisor. After consulting with his supervisor he came back inside and advised me that BYAM is in compliance. He issued no further orders or directives.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: October <sup>16</sup>16, 2020

Respectfully submitted,

/s/

  
Rabbi Nathan (Nosson) Neuman

**EXHIBIT A**  
**TO DECLARATION OF**  
**RABBI NEUMAN**  
**(EXHIBIT 2)**













**EXHIBIT B**  
**TO DECLARATION OF**  
**RABBI NEUMAN**  
**(EXHIBIT 2)**



## SCHOOL HAPPENINGS....

There has been a tremendous amount of learning and excitement in and out of the classrooms. Your daughters' teachers have been sharing the in-classroom learning with you and below you will read about some of the out- of – classroom happenings

### Parsha Chidon

Grades 3-6 participated in our very uniquely styled Parsha Chidon.

Students in grades 3-6 learn yedios klaliyos relating to the parsha as well yedios klaliyos which relate to mitzvos and yahadus. In order to excite the girls about learning yedios klaliyos we initiated a Parsha Chidon. A Parsha Chidon usually connotes competition, stress and nervousness. The thought that comes to mind is a "Bee" where girls are asked questions orally until one girl is not out and is the winner. This type of contest may cause some girls to become ambitious and others to not even want to try. We knew that if we wanted a chidon to be successful we would need every student to get involved. It would have to be the kind that promotes achdus, is stress free and is exciting.

Therefore the following was implemented.

Each class received study sheets with questions to study on the parshios that were applicable to their grade. The girls were told that the class who, as a whole, amassed the most points from their answers, would win a really fun trip. The second winner up, a smaller trip and every girl who studied for the chidon would receive a treat from the school.



Girls were able to choose questions written in English or Hebrew, as well as from the levels of easy, average, or challenging. Different levels were different points. The girls picked two folded papers from the boxes of their choice. Each paper had five questions on it and each question was worth a certain amount of points. The girls wrote their answers, handed them in to their teacher, who tallied up the points of the class. Everyone tried and no one knew who got their answers right or wrong. B"H the girls had studied, knew their information and were relaxed.

The class with the most points was

A tremendous thank you goes to Mrs. Bandman, our curriculum coordinator who organized and prepared all the questions for the chidon.

## Theme of Nashim Tzidkonius

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The tzadeikes we learned about during Chodesh Shevat was Chana Haneviah. The girls heard about her nisayon of not having children and how she davened for a child in Shiloh. Amongst many other things, they learned that our tefilah of Shemoneh Esrai is modeled after the way Chana davened for a child in Shiloh.

Morah Kashi and our G.O. showed the girls how to strengthen their connection to Hashem through their own davening. Each girl chose a part of davening that they wanted to strengthen and rated herself on her davening that tefilah each day. It was her own private way of keeping a cheshbon of her davening.

The yartzheit of the tzadeikes Sara Schenirer is on cuf vov Adar Beis. At our Rosh Chodesh Adar assembly the girls heard the story of Sara Schenirer and how she started the Bais Yaakov movement, thereby saving Klal Yisroel. The girls were amazed to hear about the courageous and passionate efforts of Sara Schenirer A"H. The realization that they are able to go to a Bais Yaakov, as well as girls all over the world, all because of one woman, was remarkable to them.

They had a fun time playing "Human Memory" with words relating to the life of Sara Schenirer.

We are continuing with this theme for the next two months and there are many exciting activities being planned. The culmination of our learning about Sara Schenirer will take place on her yartzheit with the fifth graders performing a play about her.

## Sixth Grade Rosh Chodesh Brunch

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The sixth graders enjoyed a delicious brunch in honor of Rosh Chodesh Adar Aleph. They heard about Sara Schenirer in more depth and were very interested to learn that many things we take for granted today were the initiatives of Sara Schenirer; such as trips, plays and even Bnos!

They then made gourmet hamantaschen using a wide variety of creative fillings. They looked delicious!

Thank you, Morah Kashi, for preparing the dough and all the fillings and supplies for the hamantaschen.



## Music and Rhythm

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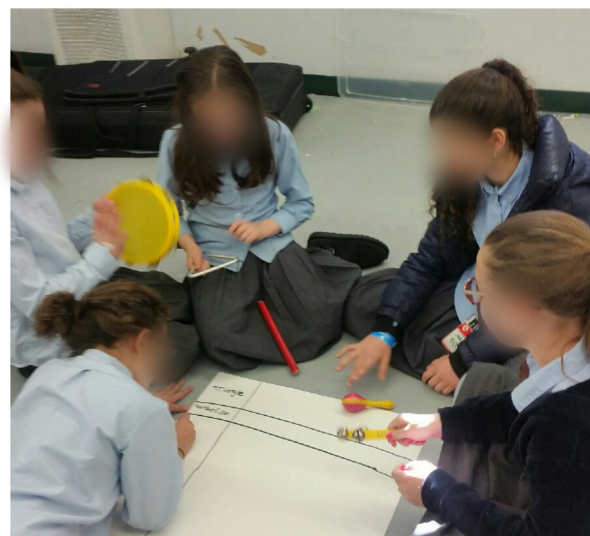


Our sixth graders are able to enjoy a music and rhythm specialty class each week with Mrs. Shira Biegeleisen. The girls are learning the basic notation which will result in learning to read a rhythm. Weekly, they add one or two notes to their repertoire and practice tapping, clapping or banging out different rhythmic arrangements with various instruments.

The girls enjoy an array of different music/rhythm activities with a variety of materials such as rhythm sticks, bean bags,

boomewhackers and more! Besides for the rhythm, the girls are exercising their cognitive flexibility and memory as well as having a wonderful time exploring the world of music.

Our Preschool children have begun having music and movement with Mrs. Biegeleisen as well and are enjoying it immensely!



## Nachas Report

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A woman who does some work for our school as well as other schools was recently near the lunchroom, one day during bentching. She came over to tell me how impressed she was with the girls' bentching. She said that she is in many schools and she has never heard girls bentch as nicely as the girls in Bais Yaakov Ateres Miriam!

Our girls are always growing. I daily see their ability to be introspective and honest with themselves. I am so proud of them.

Have a wonderful Shabbos,

*Mrs. Leah Zytman*

**EXHIBIT C**  
**TO DECLARATION OF**  
**RABBI NEUMAN**  
**(EXHIBIT 2)**





New York State  
EDUCATION DEPARTMENT

Knowledge > Skill > Opportunity

# New York State Reopening Guidance for Religious and Independent Schools

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July 27, 2020

STATE OFFICE OF RELIGIOUS AND INDEPENDENT SCHOOLS  
NEW YORK STATE EDUCATION DEPARTMENT | ALBANY, NEW YORK

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## INTRODUCTION

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### *Reopening NYS Religious and Independent Schools*

Please note that the following guidance does **not** pertain to the school types listed below. Guidance for these school types can be found at the links provided.

- [Approved Private Special Education \(853 schools\)](#)
- [State-Supported \(4201\) Schools](#)
- [Approved Preschool Special Education \(4410\) Programs](#)
- Child Day Care Programs (licensed by the [NYS Office of Children and Family Services](#) or permitted by the [NYC Department of Health and Mental Hygiene](#))
- Nursery Schools

In order to ensure that the Reopening Schools Guidance for Religious and Independent Schools addressed the needs of New York's religious and independent school communities, the State Office of Religious and Independent Schools (SORIS) at the New York State Education Department (NYSED) convened a task force of religious and independent school leaders for consultation. The task force consisted of members of the Commissioner's Advisory Council for Religious and Independent Schools and other interested nonpublic school stakeholders. NYSED is very grateful for the excellent collaboration and hard work as we developed this Guidance.

The following organizations and representatives from the New York religious and independent school community participated in the drafting of these recommendations:

Lileth Coke, Atlantic Union Conference, Office of Education  
Viola Chapman, Northeastern Conference of Seventh Day Adventist  
Michael Coppotelli, Archdiocese of New York  
Sr. Ellen Rose Coughlin, S.S.J., Diocese of Ogdensburg  
James Cultrara, NYS Council of Catholic School Superintendents  
Michael Deegan, Archdiocese of New York  
Athena Filippou, Greek Orthodox Archdiocese of America  
Carol Hayes, Catholic School Administrators Association of New York  
Sr. Remigia Kushner, C.S.J., Manhattan College  
Yosef Kanofsky, the Orthodox Union  
Laura Labenberg, Lutheran Schools Association  
Mark W. Lauria, New York State Association of Independent Schools  
Rafeek Mohamed, Islamic Schools Association  
Sara Seligson, Jewish Education Project  
Cary Shaw, The Association of Christian Schools International, NY  
Rev. Tom Stiles, New York Association of Christian Schools  
James Tausel, Diocese of Rochester  
Giovanni Virgiglio, Jr., Diocese of Albany  
Janie Whitney, Association of Historically Black Independent Schools  
Dovid Zwiebel, Agudath Israel of America

## **STATEMENT OF PURPOSE**

Religious and independent schools serve an important role in educating students throughout the State of New York. They also play a critical role in the State's economic well-being. They are diverse. The nonpublic schools in New York include day and boarding schools, religious schools representing all faiths, specialized schools such as Montessori and Waldorf, and schools which serve students with special educational needs. This is accomplished in a wide variety of configurations (e.g. K-8; K-9; K-12; PK-12, etc.). Some religious and independent schools serve fewer than 50 students while others have multiple campuses serving over 2,000 students. The religious and independent schools can be single gender or co-educational. What they all have in common is a profound understanding that when it comes to educating students there is no "one size fits all" solution.

## **COVID-19'S IMPACT ON RELIGIOUS AND INDEPENDENT SCHOOLS**

The diversity of the New York religious and independent school educational community means that each school will need to create a plan to guide its reopening using applicable local, state, and federal public health and education guidelines. These guidelines should form the foundation of the work as each school community assesses its unique structural circumstances in governance, enrollment, faith-based mission, facilities, and programmatic needs. *All religious and independent school plans must meet applicable local and state public health and education requirements.* Because many religious and independent schools have smaller enrollment than their public school counterparts, leading to lower population density, as well as flexibility within their physical plant, they can pivot to the new guidelines as the state reopens and innovate in such areas as hybrid learning models, facility, schedule, and calendars to meet the needs of their students, faculty, and families.

## **SUBMISSION OF REOPENING PLANS**

Reopening Plans must ensure that all requirements outlined in the [guidance released by NYS Department of Health \(DOH\) on July 13, 2020](#) are included. On or before July 31, 2020 religious and independent schools must complete and submit their Reopening Plan to DOH in the portal, in the accordance of the [guidance released by DOH on July 13, 2020](#).

On or before August 7, 2020, religious and independent schools must submit Reopening Plans through the [SED Monitoring and Vendor Reporting System](#) ("the Portal"). As part of their submission in the Portal, schools must complete a survey that includes a set of mandatory assurances derived from the [Religious and Independent Schools Reopening Guidance document](#). The Reopening Plan must be posted on the school's public website in a location that is easily located by students, parents, teachers, administrators, and other community stakeholders. If a school does not have a public website, the school may identify an online platform (e.g., social media group or post, file sharing service, email listserv) that allows the Reopening Plan to be directly communicated to students, parents or legal guardians, school staff, and visitors. Schools may also upload their Reopening Plan as a document in the Portal.

Please see Appendix A for instructions on accessing the Portal. Submission via the Portal is **strongly encouraged**. However, if schools that do not utilize the internet need to submit a hard copy, those schools may either fax the assurances and corresponding Reopening Plan to SORIS at 518-474-9200 or mail to:

New York State Education Department  
State Office of Religious and Independent Schools  
89 Washington Ave., Room 1074 EBA  
Albany, NY 12234  
ATTN: Reopening Plan

**Schools may not send assurances and Reopening Plans via email.**

### **RELIGIOUS AND INDEPENDENT SCHOOL CONSIDERATIONS FOR REOPENING**

As religious and independent schools develop their Reopening Plans and make the decision to reopen for in-person instruction, they will consider a number of factors (which will be described in more detail throughout this guidance). Plans must include protocols and procedures that address: capacity; social distancing; personal protective equipment (PPE) and face coverings; operational activity; restart operations; hygiene, cleaning, and disinfection; extracurriculars; before and aftercare; vulnerable populations; transportation; food services; mental health, behavioral, and emotional support services and programs; and communication.

### **CONSIDERATIONS IN THE DEVELOPMENT OF SCHOOL REOPENING PLANS**

Each religious and independent school should develop a plan for a 2020-2021 reopening that applies available public health and education guidance to meet the structure and operations of its school. The plan should consider applicable aspects of school programming and operations including:

- 1) the age and nature of student population;
- 2) whether the school provides early childhood programming;
- 3) any educational methodology that is essential to the mission of the school;
- 4) the physical layout of the campus and its structures; and
- 5) whether the school is day or boarding.

Each Religious and Independent School plan should have four (4) components:

- **reopening** of school facilities for in-person instruction;
- **monitoring** health conditions to ensure detection of infection;
- **containment** to prevent spreading of the disease if infection is detected; and
- **closure** if infection cannot be contained or if closure is otherwise necessary and/or required by the state or local department of health.

In formulating these plans, schools must be mindful that the course of the pandemic cannot be confidently predicted. It is possible that conditions may warrant reopening, only to have the pandemic worsen again to the extent that the Governor or local health officials would order a

new shutdown. *Religious and independent schools should be flexible and plan contingencies including a physical reopening and a potential reclosing with all scenarios including delivering some or all programming remotely.*

The heterogeneity of religious and independent day and boarding schools, and the different public health risks associated with different types of programs, suggests that reopening dates and operating protocols will, for good reason, differ across institutions. Therefore, it is essential that:

- Religious and independent schools develop their own plans for reopening and operating for the duration of the current pandemic.
- Religious and independent schools consider multiple models for reopening their campuses and *select the one that makes the most sense* for their unique circumstances of program, students served, location, and facilities.

Each religious and independent school should be prepared to modify:

- 1) school calendars;
- 2) the structure of a school day;
- 3) the physical layout of their campuses and/or classrooms; and
- 4) policies for students, employees and visitors relative to hygiene, access to campus, and safety.

## **CONCLUSIONS**

Religious and independent schools play an essential role in the education of students and in the economy of New York. The New York State Education Department respects the unique needs of religious and independent schools and the diversity of the wide array of school communities within the under the broad heading of ‘nonpublic schools.’ The Department received the advice and guidance of leaders of the religious and independent school communities, as we complied this guidance. Religious and independent schools across the state should refer to it as they develop their required Reopening Plans and look forward to happy and healthy school year.

## COMMUNICATION/FAMILY AND COMMUNITY ENGAGEMENT

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Regular and frequent communication between schools, families, and the wider community has always been an essential element of effective family and community engagement. With all the uncertainty surrounding COVID's spread and its impact on local communities, communication and family engagement will be more important than ever this year. When families, schools, and communities work together and keep each other informed, students are more successful, and everyone benefits.

As plans for reopening schools are being developed, schools should work together with families to foster trust and instill confidence. Building these strong relationships takes regular, frequent, and transparent two-way communications. These communications should be clear and consistent, and families should be encouraged to engage in the process.

### NYS COMMUNICATION REQUIREMENTS

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On July 13, 2020, New York State, the Reimagine Education Advisory Council, and the NYS Department of Health released finalized guidance and guiding principles for reopening schools ("the DOH guidance"). Pursuant to this guidance, a school, district, or other party responsible for developing the school's Reopening Plan must sign an assurance that its plan includes provisions to meet the following communication requirements:

#### REQUIREMENTS

Responsible parties must engage with school stakeholders and community members (e.g., administrators, faculty, staff, students, parents/legal guardians of students, local health departments, local health care providers, and affiliated organizations, such as unions, alumni, and/or community-based groups) when developing Reopening Plans. Plans for reopening should identify the groups of people involved and engaged throughout the planning process.

Responsible parties must develop a communications plan for students, parents or legal guardians of students, staff, and visitors that includes applicable instructions, training, signage, and a consistent means to provide individuals with information. Responsible Parties may consider developing webpages, text and email groups, and/or social media groups or posts.

Responsible parties must ensure all students are taught or trained how to follow new COVID-19 protocols safely and correctly, including but not limited to hand hygiene, proper face covering wearing, social distancing, and respiratory hygiene.

Responsible parties must encourage all students, faculty, staff, and visitors through verbal and written communication (e.g., signage) to adhere to Centers for Disease Control and Prevention (CDC) and DOH guidance regarding the use of personal protective equipment (PPE), specifically acceptable face coverings.

## ADDITIONAL CONSIDERATIONS FOR EFFECTIVE COMMUNICATIONS AND FAMILY ENGAGEMENT

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Religious and independent schools should provide regular updates about health and safety, scheduling, and all other information families should be aware of. When distributing plans and information, schools should make clear the ways that families can provide feedback.

As suggested by the DOH guidance, schools should present information through a wide array of platforms, including, for example, traditional mail, email, telephone calls, texting, social media, news media, and website postings. It will be important for schools to develop a hot-line and/or website for parents and families to access the latest information and updates.

Additionally, the DOH guidance recommends that responsible parties “should designate a coordinator or other point(s) of contact to be the main contact upon the identification of positive COVID-19 cases and to be responsible for subsequent communication. Coordinators should be responsible for answering questions from students, faculty, staff, and parents or legal guardians of students regarding the COVID-19 public health emergency and plans implemented by the school.”

## RESOURCES

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[The Dual-Capacity Framework for Family-School Partnerships](#) - Karen L. Mapp & Eyal Bergman

## HEALTH AND SAFETY

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The health and safety of the children and adults in our schools is paramount. Health and safety considerations must always come first in every decision made and every action taken by our schools.

Whether instruction is provided in person, remotely, or through some hybrid of the two, schools have an important role to play in educating and communicating with school communities about the everyday preventive actions they can take to prevent the spread of COVID-19. Prevention is accomplished by following the recommendations of health authorities in the following areas:

- Health Checks;
- Healthy Hygiene Practices;
- Social Distancing;
- Personal Protective Equipment (PPE) and Face Coverings;
- Management of Ill Persons; and
- Cleaning and Disinfection.



## GENERAL HEALTH AND SAFETY

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### FOR MANDATORY REQUIREMENTS AND CONSIDERATIONS FOR REOPENING PLANS

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For Health and Safety mandatory requirements and considerations for reopening plans, please refer to the [guidance released by NYS Department of Health \(DOH\) on July 13, 2020](#)

Information relating to Religious gatherings – please refer to the [Religious Services Guidelines on the New York Forward website](#).

## BOARDING SCHOOLS

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Boarding schools should reference the Department of Health's reopening guidance's section on schools with residential living conditions (page 18 of DOH Guidance) as requirements. For reference, it might also be helpful, but not required to review applicable guidance from the State regarding Higher Education residential issues. Higher education institutions face issues similar to those encountered by New York colleges and universities, but it should be noted that while these recommended guidelines for residential colleges and universities may be relevant for boarding schools, boarding schools are special places of learning, distinct from colleges and universities. However, boarding schools which serve school-aged students often have far smaller enrollments than their college and university counterparts, in general a smaller staff, and generally students ranging in age from 11-19. These factors are important in how boarding schools create and implement their Reopening Plans. Religious and independent boarding schools have similar repopulation issues as colleges and universities and so allowing students to arrive on campus prior to the opening of school is beneficial.

The text of the Department of Health's Guidance is below:

Residential Living Considerations • For schools with students who reside on campus, Responsible Parties must consider the following as they develop their plans:

- Residence halls: Plans should include protocols for capacity limits, enhanced cleaning and disinfection, appropriate social distancing, use of acceptable face coverings in common areas, restrictions on non-essential gatherings and activities, limited access by students to other residential facilities (e.g., dormitories), restrictions of visitors, special housing considerations for students who are immunocompromised or who have an underlying health condition, separate living spaces for persons undergoing isolation or quarantine, and a modified set of rules for students to follow;
- Residential testing: Plan for screening all students and faculty upon return, and to ensure diagnostic testing for any students or faculty members who screen positive for potential COVID19 infection upon return, especially including any individuals with recent international or long distance travel, or travel from designated states with widespread

community transmission of COVID-19, as identified through the New York State Travel Advisory;

- **Residential isolation and quarantine:** Isolation (for individuals with suspected or confirmed case of COVID-19) or quarantine (for individuals exposed to a suspected or confirmed case of COVID19, or who have recently traveled internationally or in states with widespread COVID-19 transmission) of individuals residing on school grounds may become necessary and schools should develop plans, in consultation with the local health department, that specify where individuals will be residing (e.g., dedicated residence hall, hotel, home) and the support system that will be implemented to meet daily needs (e.g., food, medication, psychosocial, academic and/or other support) throughout the duration of their isolation or quarantine.

Plans should include measures to monitor and provide medical care and other health services to students who test positive and are in isolation, need more advanced medical care, or who are awaiting test results; and

- **Residence move-out:** Plans need to be put in place for how students should safely depart residence halls in the event of a closure. Schools should consider policies for students who may not be able to depart campus quickly (e.g. international students)

**Out of State Students:** Students returning to campus from states with high rates of COVID-19 infection, as identified by the NYS Department of Health, could be isolated – per the DOH guidelines – until it is demonstrated that they do not have COVID-19 or required to quarantine pursuant to Executive Order 205.

For schools with students who reside on campus, responsible parties must consider the following as they develop their plans:

## REQUIREMENTS

**Residence halls:** Plans should include protocols for capacity limits, enhanced cleaning and disinfection, appropriate social distancing, use of acceptable face coverings in common areas, restrictions on non-essential gatherings and activities, limited access by students to other residential facilities (e.g., dormitories), restrictions of visitors, special housing considerations for students who are immunocompromised or who have an underlying health condition, separate living spaces for persons undergoing isolation or quarantine, and a modified set of rules for students to follow;

**Residential testing:** Plan for screening all students and faculty upon return, and to ensure diagnostic testing for any students or faculty members who screen positive for potential COVID19 infection upon return, especially including any individuals with recent international or long-distance travel, or travel from designated states with widespread community transmission of COVID-19, as identified through the New York State Travel Advisory;

**Residential isolation and quarantine:** Isolation (for individuals with suspected or confirmed case of COVID-19) or quarantine (for individuals exposed to a suspected or confirmed case of COVID19, or who have recently traveled internationally or in states with widespread



COVID-19 transmission) of individuals residing on school grounds may become necessary and schools should develop plans, in consultation with the local health department, that specify where individuals will be residing (e.g., dedicated residence hall, hotel, home) and the support system that will be implemented to meet daily needs (e.g., food, medication, psychosocial, academic and/or other support) throughout the duration of their isolation or quarantine. Plans should include measures to monitor and provide medical care and other health services to students who test positive and are in isolation, need more advanced medical care, or who are awaiting test results; and

**Residence move-out:** Plans need to be put in place for how students should safely depart residence halls in the event of a closure. Schools should consider policies for students who may not be able to depart campus quickly (e.g. international students).

Best practices to implement in residential, shared (i.e., communal) bathrooms include, but are not limited to:

- Installation of physical barriers between toilets and sinks if 6 feet of separation is not feasible; and
- Use of touch-free paper towel dispensers in lieu of air dryers.

## FACILITIES GUIDANCE

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When students and adults return to their school buildings for in-person instruction, it will be vitally important that the physical spaces they occupy are configured and maintained in a way that provides the maximum possible protection from spreading the coronavirus.

Religious and independent schools will follow health guidance related to social distancing and other safety measures that must be put in place to slow the spread of COVID-19. To meet the requirements of that guidance, religious and independent schools may need to rearrange or re-purpose physical space within their buildings, expand buildings' footprints or alter existing spaces through construction or change in programming or operation. Several of these alternatives have implications for building and fire code compliance and may require code review by the local municipalities and/or code enforcement officials.

Many questions will arise as religious and independent schools balance fire safety and building security needs with efforts to prevent the spread of COVID-19. NYSED's facilities team is in consultation with other state agencies to ensure that all factors are fully considered, and the risks to building occupants are minimized across the full range of potential concerns.

## REOPENING MANDATORY REQUIREMENTS

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### REQUIREMENTS

#### **General Health and Safety Assurances**

Religious and independent schools must follow all guidance related to health and safety. This will include meeting social distancing requirements and cleaning frequently touched spaces regularly to prevent spread of infection. These requirements will be addressed in more detail in other parts of the NYSED Reopening Guidance. The Facilities portion of the religious and independent schools' Reopening Plan will seek assurance that schools will meet all requirements associated with building space related changes that they may elect to make.

#### **Fire Code Compliance**

The construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure, and every appurtenance connected or attached to any building or structure, must comply with the requirements of the 2020 New York State Uniform Fire Prevention and Building Code (BC), **except** as specified in **19 NYCRR 1221.2(d)**. Such activity may require building permits and review by local municipalities and/or code enforcement officials to ensure such compliance. Schools should consult their local authority that have jurisdiction for code enforcement. Changes or additions to facilities may require review by local municipalities and/or code enforcement officials to ensure such compliance.

#### **Doorways**

Many stair and corridor doors have closers with automatic hold opens. These doors are normally held in the open position and are automatically released by the fire alarm system. The function, position, and operation of those doors must remain unchanged. Fortunately, they need not be touched during normal use.

#### **Emergency Drills**

Religious and Independent schools shall conduct standard operations and procedures to the best of their abilities without deviating from current requirements. Fire (evacuation) Drills and Lockdown Drills are required by Education Law and regulation and the Fire Code and they must be conducted without exceptions. Fire Code Section 404 requires that schools maintain Fire Safety, Evacuation, and Lockdown Plans and these plans include how lockdown and evacuation drills are conducted. Schools should refer to the **Health and Safety** section of this guidance for more information regarding the requirements for Safety Drills. Assurances regarding those drills must be part of the school's Reopening Plan.

## CONSIDERATIONS FOR REOPENING PLANS

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### MEANS TO CONTROL INFECTION

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These are arrangements that can be considered to reduce transmission of infection:

- **Time Management:** School leaders should manage time and schedules to reduce student use of the corridors. The traditional practice of changing classes between periods results in congested hallways and may make social distance challenging.
- **Leave Doors Open:** To reduce the spread of the virus from touching door levers and knobs, doors may be fixed in the open position. This is only permitted at doors without door closers and doors which are not fire rated.
- **Plastic Separators:** The use of light-transmitting plastics is recommended in locations where social distance or mask requirements cannot be complied with or easily regulated (e.g., to separate individual lavatory sinks from each other). Light-transmitting plastics must comply with Building Code Section 2606.
- **Alcohol-Based Hand Rub Dispensers:** Religious and independent schools should assess each building's capacity to provide adequate hand washing facilities and determine if the use of alcohol-based hand rub dispensers is required. Alcohol-based Hand-Rub Dispensers are permitted to be installed in rooms and corridors in limited quantities in accordance with the 2020 Fire Code of New York State (FCNYS) Section 5705.5.
- **Dividers at Doors and Other Points of Congregation:** It may be advisable to use dividers at queue lines and other areas subject to overcrowding to control the groups. Consult your local municipality and/or code enforcement officials. Their review is necessary, because improperly placed dividers could obstruct escape during an emergency.

### REQUIRED SQUARE FOOTAGE

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While recommendations on social distancing suggest that maintaining a 6 foot distance from others is optimal, the building code itself does not mandate a minimum square footage per person on which schools must base the number of students and staff in a building. Code sets standards for individual rooms and it varies on room function. If contemplating a change in class size use 20 square foot (SF) per person for a classroom, 15 SF per person for cafeterias, 50 SF Vocational, Tech and Special Ed., 150 SF for offices, 5-15 SF at gymnasiums.

### FACILITY ALTERATIONS AND ACQUISITION

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Religious and independent schools may choose to increase their ability to promote social distancing by changing the way they use space in their existing buildings or by acquiring additional space. As noted above, construction and alterations generally must comply with the Building Code and may require inspection by local code enforcement officials.

## CHANGES TO SPACE UTILIZATION AND/OR ALTERATIONS

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### CONSIDERATIONS FOR REOPENING PLANS

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If the school expects to make space alterations to physical space or the building, these items will be necessary to consider for your plan:

- Alterations to the configuration of existing classrooms or spaces or the introduction of temporary and/or movable partitions, the school should consult with the local municipality and/or code enforcement officials.
- Means of egress, fire alarm system, ventilation, and lighting may be affected and should be evaluated by the local municipality and/or code enforcement officials.
- Schools can utilize available space in the cafeteria, gymnasiums, auditorium, and libraries (or sections thereof), as classroom space. Minor alterations and the use of space dividers may be utilized in existing classrooms. The need for social distancing may be enhanced by alterations to a lobby or corridor and /or interior spaces/rooms.

## SPACE EXPANSION

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### CONSIDERATIONS FOR REOPENING PLANS

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- Religious and independent schools may choose to expand their square footage in order to improve social distancing. This could include building additions, leased space, transportable classroom units or spaces such as tents. For all alterations, the **school should notify** and consult with the local municipalities and/or code enforcement officials and follow all applicable codes.

## TENTS FOR ADDITIONAL SPACE

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### CONSIDERATIONS FOR REOPENING PLANS

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If tents are used as alternate spaces, then the following requirements apply:

- Tents, both temporary and permanent, are regulated by code and must be submitted for a building permit.
- Temporary structures and tents are those erected for 180 days or less. BC Section 3103.1 indicates, "Tents, umbrella structures and other membrane structures erected for a period of less than 180 days shall comply with the [FCNYS]."
- FCNYS Chapter 31 contains extensive requirements for Tents and Other Membrane Structures. FC Section 3103.2 indicates that a permit and approval of temporary tents is required. FC Section 3103 contains requirements for temporary tents and Section 3104 has requirements for permanent tents. They include requirements for construction

documents, access roads, location, seating plans, means of egress, illumination, exit signs, construction, and use.

- Permanent tents are considered a membrane structure and are regulated by Building Code Section 3102 and other applicable sections.

If the tent is used for E-occupancy, consult with local municipalities and/or code enforcement officials to provide code-compliant design for mechanical heat and ventilation; lighting; emergency lighting; power; fire alarm; plumbing; etc. as required.

## VENTILATION

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### CONSIDERATIONS FOR REOPENING PLANS

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- Increase the fresh air ventilation rate to the extent possible to aid in maintaining a healthy indoor air quality. We recognize there are many different types of ventilation systems, natural or mechanical, that may be limited for increasing ventilation outside air due to available heat or fan/relief airflow capacity.
- Schools may consider installing a higher efficiency filter. A higher efficiency filter may require a larger filter housing and will create greater resistance to airflow, and the fan and HVAC system may require rebalancing to maintain the code required ventilation rate.
- New Technology: Some school leaders may have been contacted by vendors promoting new technology that claims to purify air. Some of these systems may be proven over time to have merit, but the use of new technologies in school facilities must be stringently reviewed prior to the installation and issuance of permits for those technologies. Some of them could have a negative impact on the building occupants' health and safety. New technologies must be proven safe by independent and impartial studies by a nationally recognized governing body, and the equipment must be listed/labeled for the intended use by a Nationally Recognized Testing Laboratory.

## CHILD NUTRITION

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A successful nutrition program is a key component to every educational environment. School meals protect the most vulnerable children against hunger. A child cannot focus on learning when they are feeling hungry. School meals boost learning, and studies show that students perform best academically when well nourished. Ensuring a child has access to healthy and appealing meals in schools is critical.

As school food service operations transition from serving meals during unanticipated school closures and summer meals to serving school meals, School Food Authorities (SFAs – participants in the federal Children Nutrition Program) will need to consider national, state, and local health and safety guidelines. For SFAs, it is important that school food service directors engage in discussions regarding plans for reopening schools to ensure that students participating in all learning models have access to healthy meals.

SFAs will need to consider the resources and flexibilities necessary to transition food service operations to an on-site or off-site student meal delivery system or operate both at the same time. This includes utilizing state or nationwide waivers and updating school policies, standard operating procedures, and trainings to ensure compliance with Child Nutrition Program requirements.

## REOPENING MANDATORY REQUIREMENTS FOR ALL SCHOOLS

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For all schools, the Plan must address all applicable health and safety guidelines.

**For all schools, the Plan must include that students must social distance (6 feet separation) while consuming meals in school, unless a physical barrier is provided.**

For all schools, the Plan must include measures to protect students with food allergies if providing meals in spaces outside the cafeteria.

For all schools, the Plan must include protocols and procedures for how students will perform hand hygiene before and after eating, how appropriate hand hygiene will be promoted, and how sharing of food and beverages will be discouraged.

For all schools, the Plan must include protocols and procedures that require cleaning and disinfection prior to the next group of students arriving for meals, if served in the same common area.

## REOPENING MANDATORY REQUIREMENTS FOR SCHOOL FOOD AUTHORITIES (SFA)

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For SFA schools, the school Plan must provide all students enrolled in the SFA with access to school meals each school day. This must include:

- students in attendance at school; and
- students learning remotely.

For SFAs, the Plan must ensure compliance with Child Nutrition Program requirements; and

For SFAs, the Plan must include protocols that describe communication with families through multiple means in the languages spoken by families.

## CONSIDERATIONS FOR REOPENING PLANS

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The following considerations should be taken into account when the Plan is developed. The best practices are intended to highlight additional practices that schools may take to communicate with and ensure families understand the processes for access to meals as needed.



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## CONSIDERATIONS FOR SCHOOL FOOD AUTHORITIES (SFA)

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- Follow SFA policies to communicate about school meal service, eligibility, options, and changes in operations.
- During the public health emergency, meal benefits have been available to many students that may not usually have access to free meals. As school returns, it will be important to communicate to families that all meals may not be available at no cost to all children.
- More families may now qualify for benefits than prior to the public health emergency due to changes in the economy. Before school starts, remind families that they can submit a new application for free or reduced-price meals right now and at any time during the school year;
- Provide multiple opportunities for families to complete meal benefit applications;
- Assess if new technology may be needed in order to provide online household applications, obtain electronic signatures or transfer protected student identifying information;
- Provide meal benefit applications with summer meals;
- Make applications available online and at the front office of each school site;
- Provide phone and in-person support to assist families in applying.

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## CONSIDERATIONS FOR ALL SCHOOLS

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- Use a variety of communication methods and ensure communications are translated into the languages spoken by families in the school;
- Identify a specific contact person(s) to receive and respond to communications from families. The contact's information should be included in all written materials that are provided to families and to school staff;
- Assess areas where additional or clearer information may be needed to enhance communication about the program. Provide links to directly access documents and answers to frequently asked questions. Ensure that information is presented in a user-friendly format including language translations where appropriate;
- Develop program-specific information that details program activities that affect families such as:
  - availability of meals;
  - payment methods;
  - use of vending machines;
  - a la carte sales;
  - outside food brought into the building; and
  - restrictions on visitors during the meal service.

## SAFETY & SANITATION FOR ALL SCHOOLS

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- Update standard operating procedures for sanitation of school kitchens, cafeterias, food warehouses, and central production kitchens;
- Identify any additional equipment or supplies such as thermometers, alcohol wipes or other equipment that may be needed to keep food, students, and staff safe;
- Consider the special feeding needs of students with severe disabilities whose safety and sanitation needs at mealtimes may differ from those of their peers.
- Install barriers at the point of sale/point of pickup (see the Facilities section);
- Have adequate supplies of face masks, soap, hand sanitizer, and tissues in food service areas (see the Health and Safety section);
- Routinely clean and disinfect high-touch surfaces including tables, chairs, carts used in transportation, and point-of-service touch pads;
- Use timers for cleaning reminders;
- Wear single-use gloves when handling or delivering all foods;
- Wear a disposable apron when handling or delivering foods;
- Allow only program staff, custodial staff, and approved volunteers to enter program areas.

## FOOD SERVICE STAFF FOR ALL SCHOOLS

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- Evaluate staffing and make any needed adjustments;
- Ensure staff are trained on district policies and protocols on health and safety;
- Review, and retrain staff as needed on standard operating procedures.
  - Consider cross-training program staff to perform essential activities in the event of key absences or emergency situations.

## CONTACT VENDORS AND SUPPLIERS FOR ALL SCHOOLS

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- The unexpected closures may have impacted supply chains or availability of certain services and it will be important to account for any of these changes prior to the start of operations;
- Work with vendors to determine the safest way to handle deliveries;
- Have supplies on hand for in person and grab and go meal delivery.

## USDA WAIVERS APPROVED FOR THE NATIONAL SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM, JULY 1, 2020 – JUNE 30, 2021 - FOR SCHOOL FOOD AUTHORITIES (SFA)

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- Notify the NYSED Office of Child Nutrition of the SFA's plan to use any of the following waivers necessary for operations:
  - Non-Congregate Feeding



- Meal Service Time Flexibility
- Bulk meals require both non-congregate and meal service time waivers
- Parent/Guardian Meal Pick Up
- Meal Pattern Flexibility
- “Offer Versus Serve” Flexibility for Senior High Schools

Contact your NYSED Child Nutrition Program Representative to ensure operations are within waiver allowances.

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## MEAL SERVICE FOR SCHOOL FOOD AUTHORITIES (SFA)

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- Revise site food safety plans to include standard operating procedures for meal service in classroom, additional meal service procedures in the cafeteria, social distancing and PPE during meal prep and delivery, and receiving and storage;
- Ensure meals meet meal pattern requirements;
- Production records must be completed for each meal;
- Develop meal counting procedures for meals served outside of the cafeteria. Procedures will depend on eligibility determinations – CEP, Provision 2, or Free/Reduced/Paid status;
- Consider how to handle transactions that normally would occur in a cafeteria line – how payments will be collected, receipts issued, and money secured;
- Documented requests for children with special dietary needs (e.g., food allergies) must be accommodated.
  - Strongly encourage the use of the online school payment system;
  - Rather than payment submitted by each child in the cafeteria line, consider cash or check payment collected and sent to the cafeteria by classroom teachers.

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## MEALS CONSUMED ONSITE FOR ALL SCHOOLS

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### REOPENING MANDATORY REQUIREMENTS

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- Assess where meals will be served (classroom, cafeteria, other);
- Students must be 6 feet apart or be separated by a barrier while consuming meals;
- Remove or suspend the use of share tables, salad bars and other self-service refrigerators and buffets for food and condiments;
- Discourage food sharing between students;
- Coordinate with custodians to establish sanitation procedures;
- Clean and disinfect tables, chairs, and other frequently touched hard surfaces between groups of students.
- Consider increasing access points for providing meal service.
- Provide physical distancing guides in food service areas such as:
  - tape on floors;
  - signage;

- increase table spacing, remove tables, mark tables as closed, or provide a physical barrier between tables;
- ensure students are 6 feet apart when consuming meals.
- Plan for one class at a time to go through the cafeteria line and return to the classroom if meals will be eaten in the classroom;
- Use pre-portioned condiments that cashiers & servers place on each tray;
- Place meals on a counter or tray line for quick pick up;
- Coordinate with school personnel in order to meet the feeding safety needs of students with disabilities;
- When students eat in classrooms:
  - Train teachers on food allergies, including symptoms of allergic reactions to food.
  - Train all non-food service staff on any meal service-related activities they will be responsible for.
  - Obtain or develop posters or other aids to assist non-food service staff to implement meal service.

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## CONSIDERATIONS FOR ALL SCHOOLS

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- Consider “Grab and Go” kiosks in hallways or gymnasiums;
- Consider whether teachers can take meal orders in classrooms and send orders to the kitchen via email, Google Docs, SharePoint, etc.;
- Consider student meal pick up at building entrances or security checkpoints.

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## MEALS CONSUMED OFFSITE (WITH ELECTION OF WAIVERS) FOR SCHOOL FOOD AUTHORITIES(SFA)

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- Assess service methods (grab and go, curbside pick-up, delivery, etc.);
- Determine if there are students who are unable to access school meal distribution sites and identify ways to address these gaps
- Bulk meals packaged in boxes or containers for multiple days of meals picked up/delivered at one time;
- In hybrid situations, where students are attending in person and remotely, create an area with cones or signs where families can easily pull in to receive foods away from where students will be entering;
- Place meals for curbside pick-up on a table or place in the trunk of the vehicle.

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## ADDITIONAL FOOD SERVICE RESOURCES

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- [The NYSED Child Nutrition website](#)
- [USDA Food and Nutrition Service](#)
- [Institute of Child Nutrition](#)
- [New York State Department of Health](#)

- [CDC Guidance for Schools](#)

## TRANSPORTATION GUIDANCE

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The school bus is an extension of the classroom, therefore, most of the recommendations that apply to school building (social distancing, frequent cleaning) should be applied to the school bus, as well. Pupil transportation also presents certain unique challenges. The following guidance is provided for religious and independent schools that provide their own transportation to implement into their planning.

## SCHOOL DISTRICT POLICIES/PRACTICES

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School districts and other applicable schools are expected to fulfill existing mandates regarding the safe and effective transportation of students who are homeless (McKinney-Vento), in foster care, have disabilities and attend non-public schools. Although meeting these obligations will certainly pose challenges, these expectations continue to be in place. Religious and independent schools should work with the districts that send them students to align transportation plans with schedules.

**To protect the health and safety of all occupants of the school bus, (drivers, passengers and aides) religious and independent schools should encourage their students and their families to comply with the health practices that the public school that transports their children puts in place – including mask wearing where it does not affect the mental or physical health of the child**

**If your religious or independent school provides its own transportation, then many of the same rules that apply to school districts or transportation carriers will apply. The language below applies to schools that provide their own transportation. For your reference, public school districts will be following similar guidance for the transportation they provide.**

## THE SCHOOL BUS

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### REOPENING MANDATORY REQUIREMENTS

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If your school provides transportation, assurances of the following will be required when submitting the Reopening Plan:

All buses (conforming and non-conforming to Federal Motor Carrier Safety Standards, as well as type A, C or D) which are used every day by districts, religious and independent schools and contract carriers must be cleaned/disinfected once a day. High contact spots must be wiped down after the am and pm run depending upon the disinfecting schedule. (For example, some buses might be cleaned between the am and pm runs while other buses may be cleaned/disinfected after the pm run.).

School buses shall not be equipped with hand sanitizer due to its combustible composition and potential liability to the carrier or district. School bus drivers, monitors, and attendants must not carry personal bottles of hand sanitizer with them on school buses.

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## CONSIDERATIONS FOR REOPENING PLANS

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Religious and independent schools may want to consider the following best practices to add to their Reopening Plan:

- School bus owners may choose to install sneeze guards by the driver's seat and in between each seat to protect children and increase capacity. If installed, the sneeze guards must be made of a material approved by the Department of Transportation. Sneeze guards will need to be disinfected every day;
- Sneeze guards may be installed on wheelchair buses between securement stations with the approval of the Department of Transportation;
- Wheelchair school buses may configure wheelchair placement to ensure appropriate social distancing;
- When temperatures are above 45 degrees, school buses should transport passengers with roof hatches or windows slightly opened to provide air flow.

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## THE SCHOOL BUS STAFF FOR NONPUBLIC SCHOOL BUSES

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### REOPENING MANDATORY REQUIREMENTS

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If your school provides transportation, these items are required when your school submits your Reopening Plan:

School bus drivers, monitors, attendants and mechanics must wear a face covering along with optional face shield.

Transportation staff (bus drivers, monitors, attendants, mechanics and cleaners) will be trained and provided periodic refreshers on the proper use of personal protective equipment and the signs and symptoms of COVID19.

School bus drivers, monitors, attendants and mechanics must perform a self-health assessment for symptoms of COVID 19 before arriving to work. If personnel are experiencing any of the symptoms of COVID 19 they should notify their employer and seek medical attention;

Transportation departments/carriers will provide Personal Protective Equipment such as masks and gloves for bus drivers, monitors and attendants in buses as well as hand sanitizer for all staff in their transportation locations such as dispatch offices, employee lunch/break rooms and/or bus garages;

Bus drivers, monitors, and attendants who must have direct physical contact with a child must wear gloves.

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## CONSIDERATIONS FOR REOPENING PLANS

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Religious and independent schools may want to consider adding the following best practices to their Reopening Plan:

- The bus driver, monitor or attendant may wear gloves if they choose to do so, but are not required, unless they must be in physical contact with a student;
- Transportation staff should be encouraged to wash their hands with soap and water before and after morning and afternoon runs to keep healthy and prevent the spread of respiratory and diarrheal infections from one person to the next. Germs can spread from other people or surfaces when you:
  - Touch your eyes, nose, and mouth with unwashed hands;
  - Touch a contaminated surface or objects;
  - Blow your nose, cough, or sneeze into hands and then touch other people's hands or common objects.

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## STUDENTS ON TRANSPORTATION

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### REOPENING MANDATORY REQUIREMENTS

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If your religious and independent school provides transportation, these items are required when your school submits a Reopening Plan:

All students are required to wear a mask on the school bus and should maintain appropriate social distancing. The only exception to the mask requirement is that students whose physical and mental health would be impaired by wearing a mask are not required to do so but must maintain social distancing of 6 feet from other individuals on the bus.

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## CONSIDERATIONS FOR REOPENING PLANS

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Religious and independent schools may want to consider adding the following best practices to their Reopening Plan:

- Siblings or children who reside in the same household, should be encouraged to sit together;
- A student without a mask may be provided a mask by the bus driver/monitor/attendant

- Schools should maintain appropriate social distancing on the school bus;
- Students who are transported in a mobility device should use seating positions that provide the required social distancing;
- Students should be reminded of the bus rules, such as to not eat or drink on the school bus, which would require them to remove their mask.

## PROTOCOLS FOR STUDENTS DISEMBARKING FROM TRANSPORTATION

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### CONSIDERATIONS FOR REOPENING PLANS

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Religious and independent schools may want to consider adding the following best practices to their Reopening Plan:

- When students embark and disembark the bus, they should follow social distancing protocols. This will increase the time required to load and unload buses at schools in the morning and afternoon;
- Schools should maintain an appropriate social distance on the school bus;
- Schools should consider staggered arrival and departure times to ensure social distancing;
- Schools should reconfigure the loading and unloading locations for students who are transported by bus, car or are pedestrians;
- Since hand sanitizer is not permitted on school buses, schools should consider policy to dispense hand sanitizer when students enter the building or classroom.

## PUPIL TRANSPORTATION ROUTING

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If a school district is in session, remotely or otherwise, pupil transportation must be provided to students in religious and independent schools. Religious and independent school students eligible for transportation, to the extent required by law, cannot be denied transportation. Parents who may have missed the due date to request out of district transportation due to a reasonable excuse may file a 310 appeal with the Commissioner of Education.

### CONSIDERATIONS FOR REOPENING PLANS

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Religious and independent schools may want to consider adding the following best practices to their Reopening Plan:

- Religious and independent school transportation departments that use contract transportation, should consider the use of add and delete clauses to configure their routing needs depending upon school scheduling, staggering start times and virtual learning days. Districts or other applicable schools should submit addendums to the Pupil Transportation

Unit when the increased routing requires an increased cost in a pupil transportation contract;

- School districts that use mass transit to provide pupil transportation may want to strongly suggest that students on these vehicles wear masks and practice social distancing. If a mass transit vehicle is used solely for pupil transportation, routes all the applicable mandatory requirements and considerations must be applied.

## SOCIAL EMOTIONAL WELL-BEING

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Communities and schools are facing unprecedented challenges as they respond to the compounded difficulties of a global pandemic, an economic recession, and civic unrest in response to ongoing structural racism. This has created organizational stress and educational challenges for our religious and independent schools. However, we must not forget that it has also caused some of our students, our staff and their families to feel fear and disconnection from the communities that gave them comfort and stability prior to the pandemic.

These challenges offer unprecedented opportunities to re-envision and renew the capacity of our schools and communities to be welcoming, supportive, inclusive, and equitable environments. They require us to try, so that our communities, by supporting each and every member, become stronger as a result.

As schools and their personnel adapt to environments that result in substantially reduced time spent interacting in-person, it is critical to provide intentional and meaningful inclusion of social emotional learning (SEL) across all aspects of the school program. A commitment to social emotional well-being in supporting school transitions, does not happen at the expense of academics, it creates the mental, social, and emotional space necessary for academic learning to occur.

It is unrealistic to expect that students will return to instruction as they left it months ago. Students may have experienced a stressful or traumatic experience while isolated from school, family, friends, and community. Some have had positive experiences during school closures as well; learning, growing, and discovering new identities as activists, caregivers, and leaders in their communities. Schools are positioned to support and nurture these new skills and mindsets.

Students may return to instruction anxious, fearful, withdrawn, grieving, and/or unprepared to self-manage their behaviors. And some students have thrived in an on-line or less rigid environment, as school anxiety has lessened. Schools should be prepared to meet students where they are, regardless of the circumstances in which they find themselves.

Religious and independent schools are communities of choice, with shared values and commitments. This provides an important source of strength in hard times. The following recommendations may provide additional assistance in creating a welcoming and caring school community that ensures its members are met with compassion and the support they



need to achieve and thrive. Academic learning cannot be effective until the basic human needs for physical and emotional safety are met.

Except where otherwise noted, the considerations outlined below are relevant regardless of whether instruction is in-person, remote, or hybrid.

## CONSIDERATIONS FOR REOPENING PLANS

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- A comprehensive developmental school counseling program plan is reviewed and updated to meet current needs.
- Establish an advisory council, shared decision-making, school climate team, or other collaborative working group comprised of families, students, members of the school board, school leaders, community-based service providers, teachers, school counselors, and other pupil personnel service providers to inform the school counseling program plan.
- Address how the school will provide resources and referrals to address mental health, behavioral, and emotional support services and programs.
- Address professional development opportunities for faculty and staff on how to talk with and support students for developing coping and resilience skills for students, faculty, and staff.
- Deepen understanding of mental health, well-being, trauma-responsive and restorative practices, and SEL through professional learning, and work collaboratively with staff, students, and families to strengthen partnerships and plan for implementation.
- Communicate social emotional well-being and learning as a priority and engage members of the school community in implementation efforts.
- Identify or build a team that will lead your implementation. Decide how students, staff, and family will contribute.
- Examine opportunities to leverage community school strategies to support and sustain the work.
- Leverage mental health, well-being, and social emotional well-being strategies to support and sustain increased educational equity.
- Leverage collaborative community partnerships to strengthen initiatives.
- Use data to identify SEL needs and incorporate strategies to meet those needs in school's counseling plan.
- The school's counseling/guidance program may be reviewed and revised to plan, develop, and implement a Multi-Tiered System of Supports (MTSS).
- As part of an MTSS framework, SEL, mental health, and well-being supports offered at all levels should reflect school-wide implementation of effective, efficient, and evidence-based practices and strategies that all students can access.
- Pupil personnel staff should develop or adopt a screening tool that, administered with parental consent and student assent, can assist the school with identifying the needs of returning students.

- Once student needs are broadly and individually identified, tier 1, 2 and 3 activities and services can be developed or adopted to address those needs.

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## MENTAL HEALTH AND TRAUMA-RESPONSIVE PRACTICES

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Adverse childhood experiences (ACEs) and trauma can have a negative impact on young people's social emotional well-being, and consequently, their capacity to learn. Students and adults are grappling with new and exacerbated traumas that can have far-reaching impacts on health and educational outcomes. In addition, anxiety and depression may present or worsen in response to these additional stressors and traumas.

Trauma-responsive practices help shift negative reactions to inappropriate student behavior to thoughtful responses that consider the root causes of behavior and help to support individual student needs to address those causes.

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## MULTI-TIERED SYSTEMS OF SUPPORT (MTSS)

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MTSS is an evidence-based approach to comprehensive program delivery that addresses academic and behavioral challenges including proactive activities for all students (universal interventions), targeted activities for students who are identified as at-risk (secondary interventions) and intensive activities for students identified at high risk (tertiary interventions). MTSS is grounded in the belief that all students can learn, and that all school professionals must be responsive to the academic and behavioral needs of all students.

MTSS focuses on evidence-based practices, relies on student progress data to inform instructional decisions, and ensures that each student, based on their unique needs, receives the level and type of support necessary to be successful. It is an important means of addressing equity and most importantly, ensures that all young people are provided with the support they need to thrive.

A strong set of universal interventions designed to support social emotional well-being will be crucial to our collective success as students and adults return to instruction and the school environment with increased needs. The supports represented in the universal tier are foundational to secondary and tertiary supports. In general, universal interventions should be effective for most students, but targeted and intensive supports will be needed to address student needs that could not be met with universal interventions. A strong foundational tier helps ensure that schools are not overidentifying students and adults for tier 2 and 3 supports, which allows them to more strategically allocate resources for the higher tiers. An example of aligned social emotional well-being supports in chart format is included on page 42 of [Social Emotional Learning: Essential for Learning, Essential for Life](#).

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## PUPIL PERSONNEL SERVICES (PPS) ROLES WITHIN MTSS

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Pupil personnel service (PPS) staff, which may include school counselors, school social workers, school psychologists, mental health counselors, school nurses and school religious

staff are uniquely poised to be the primary source of expertise upon which the entire school community can draw. These professionals have overlapping skills, such as counseling, assessment, consulting, collaboration, parent/school liaison, professional development for faculty and staff, and crisis response. They can share in facilitating social emotional and physical well-being, strengthening family, school, and community partnerships of faith or others, increasing access to instruction and promoting a positive school climate.

A key function of the counselor's Tier 1 role is to promote a safe and supportive learning environment for everyone in the school community. Counseling professionals, no matter their title, use their specialized knowledge of child and adolescent development to design and implement comprehensive programs to help all students build fundamental academic, career development, resilience and social emotional skills. Counseling programs are most effective when there is collaboration among the school staff, administrators, and families to promote a school climate that is supportive and facilitates student achievement, engagement, and access to growth opportunities so that all students can reach their full potential in school and beyond.

At the secondary and tertiary levels, supports become increasingly targeted to meet students' specific needs. At the Tier 2 level, some of these supports may be referred to staff with specialized skills in the provision of mental health services. They are targeted to students who may be vulnerable due to academic, social emotional, and mental health challenges. At the Tier 3 level, experts address a smaller number of high need students who require more specialized individual interventions and/or referral to community-based counseling and resources.

## SOCIAL EMOTIONAL LEARNING (SEL) AND TRANSFORMATIVE SEL

The Collaborative for Academic, Social, and Emotional Learning (CASEL) defines SEL as, "the process through which children and adults understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions."<sup>7</sup> By developing core intra- and inter-personal competencies, including self-awareness, self-management, social awareness, relationship skills, and responsible decision-making, students and adults build capacity to thrive by building a variety of protective factors, including increased resilience, stronger empathy, heightened self-efficacy, and more. SEL is not synonymous with mental health, but it does provide a foundational set of competencies that serve as tools to navigate challenges in healthy, productive ways.

SEL must be culturally and linguistically responsive and sustained to meet the needs of our young people and adults. Transformative SEL elaborates on the core competencies from an

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<sup>7</sup> Collaborative for Academic, Social, and Emotional Learning. (2020) What is SEL?

educational equity lens and envisions their operationalization to better prepare young people and adults for critical, active citizenship, and considers the roles and implications of culture, identity, agency, belonging, and engagement.<sup>8</sup> Youth Participatory Action Research (YPAR) and Project-Based Learning (PBL) offer opportunities for young people to shape their own learning and can support transformative SEL.

A variety of resources for understanding SEL, including developmentally appropriate benchmarks and a whole school implementation guide are available on NYSED's [SEL web page](#).

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## RESTORATIVE PRACTICES

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Consider the implementation of restorative practices within your school community. This practice provides an opportunity to reflect on school culture, discipline policies, practices, and disparities within the community.

Addressing behavior that is inappropriate from a whole child perspective requires students' and adults' acquisition of, and practice in using, all five SEL core competencies, and is strengthened by an understanding of and sensitivity toward Adverse Childhood Experiences (ACEs) and trauma-informed practices.

Restorative practices are processes and approaches designed to build community and meaningful relationships, develop shared values, help students better understand their behavior, how it impacts themselves and others, and ultimately to use that self- and social awareness to repair damage caused to relationships as a result of inappropriate behavior. It focuses on strategies and skills such as understanding and managing one's emotions and behavior, negotiating conflict constructively, building empathy, making constructive decisions about personal behavior, and realistically evaluating the consequences of one's behavior.

Replacing traditional discipline with restorative alternatives offers opportunities for youth to learn from mistakes and may reduce disciplinary disparities and negative outcomes.

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## PLANNING AND CAPACITY BUILDING

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Central to a school's effective reopening or re-envisioning strategy is clear prioritization of mental health, well-being, and SEL that is communicated clearly and consistently to staff, students, family, and community. Whether the school has established SEL and well-being initiatives or are just beginning to formalize strategies, you can find areas of strength to build on.

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<sup>8</sup> Jagers, R., Rivas-Drake, D. & Williams, B. (2019) Transformative Social and Emotional Learning (SEL): Toward SEL in Service of Educational Equity and Excellence, *Educational Psychologist*, 54:3, 162-184.

The process of developing a comprehensive school counseling plan and reviewing it annually with stakeholder input is an opportunity for schools to coordinate their efforts around ensuring a positive school climate and the social emotional well-being of students returning to school in the fall. To help schools achieve these important expectations, a variety of resources are offered in this guidance, such as [Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner's Regulation §100.2\(j\)](#).

The process of gathering, reviewing, and responding to data may support the establishment of a program development that is responsive to student need. With students returning in the fall, no matter which method is adopted, assessing student emotional needs is the first objective that should be met, followed by being prepared to meet those needs. School staff may wish to develop or adopt a screening tool that, administered with parental consent and student assent, can assist the school with identifying the needs of returning students. Once needs are broadly and individually identified, tier 1, 2 and 3 activities and services can be developed or adopted to address those needs.

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## RESOURCES

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- [Social Emotional Learning: A Guide to Systemic Whole School Implementation](#) and other [Social Emotional Learning Benchmarks, Guidance, and Resources from the New York State Education Department](#) -NYSED
- [Reunite, Renew, and Thrive: Social and Emotional Learning Roadmap for Reopening School](#) - CASEL
- Visit [our companion webpage for additional social emotional well-being resources](#) to support this guidance.

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## ADULT SEL & WELL-BEING

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Adults in our school communities must take care of themselves and their peers, both for their own well-being and so that they may be better able to help young people heal. Adults in the school community have experienced stress, anxiety, grief, and trauma. It is important to consider the impact this will have on their return to an in-person or virtual school environment.

Additionally, adults need access to professional learning opportunities that can better prepare them to support their own well-being as well as the well-being of the students and families they serve.

For students, the investment in social emotional supports for adults will reduce reliance on more resource-intensive tier 2 and 3 supports. Before school reopens, and throughout the school year, consider the following:

- School leadership is faced with overwhelming challenges. Consider school supports for school leaders, especially those new to their roles, to provide mentorship.
- Build school community structures that encourage human connection, and that acknowledge it is necessary for us to take care of our physical and emotional safety and

comfort before we can effectively teach and learn. Offer ongoing embedded opportunities for adults to develop and strengthen their own social and emotional competencies.

- Offer all staff opportunities to heal together, to build strong, mutually supportive relationships, and to process their own emotions, including bus drivers, cafeteria workers, office workers, nurses, pupil personnel services staff, and administrators.
- Offer professional learning opportunities to all staff. Address critical topics related to personal, student, and community well-being, including trauma-responsive practices, social emotional learning, restorative practices, mental health education, culturally and linguistically responsive-sustaining practices, implicit bias and structural racism, and facilitating difficult conversations about race.
- Prior to the re-entry of students, invite the staff into the building to talk about differences, losses, and newness of preparation for teaching and learning.
- Survey staff regularly. Ask about their needs. Do not wait for people to come to you. Be prepared to respond with assistance or referrals.
- Support access to mental health and trauma supports for adults in the school community.
- Leverage Transformative SEL to support the work of adult anti-racism and anti-bias work. Nurture SEL competencies to improve cultural and linguistic responsiveness and sustainability.

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## RESOURCES

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- [Advancing Adult Compassion Resilience: A Toolkit for Schools](#) - WISE Wisconsin and Rogers InHealth
- [SEL Online Learning Module: Creating a Well-Rounded Educational Experience](#): American Institutes for Research
- Visit [our companion webpage for additional social emotional well-being resources](#) to support this guidance.

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## STUDENT SEL AND WELL-BEING

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Improving school climate promotes critical conditions for learning, including an engaged school community responsive to culture, race, ethnicity, language, and socio-economic status; safe and inclusive academic environments that recognize and value the languages and cultures of all students; caring connections, trust, respect, and activities and curricula that engage and challenge young people. All these conditions are improved by socially and emotionally competent adults and young people in the school community. Schools may wish to:

- Consider a prolonged orientation or transition period to support the social and emotional well-being and resiliency of students before beginning to phase in academic content. Encourage connection, healing, and relationship-building.
- Use community-building circles to ensure all voices can be heard.



- Foster increased resiliency for students to help prepare them for the possibility of additional transitions between in-person and remote learning.
- Create safe, supportive, engaging learning environments that nurture students' social and emotional learning.
- Consider how community school strategies might be leveraged for greater impact. Community Schools are public schools that emphasize family and community engagement, collaborative leadership, expanded learning, and integrated student supports. These areas of emphasis comprise the context for effective SEL competency development, and stronger SEL competencies increase the effectiveness of community school initiatives.
- Nurture adult-student relationships to ensure that every student has a trusted adult at their school, and that the adult checks in on the student regularly, regardless of the mode of instruction.
- Offer opportunities for movement and physical activity to the extent possible. Social emotional and physical well-being are interconnected.
- Survey students regularly. Ask about their needs. Do not wait for them to come to you. Be prepared to respond with assistance or referrals.
- Leverage transformative SEL to support the work of anti-racism and anti-bias.
- Support access to mental health and trauma supports for students.
- Leverage the expertise of all school community members, including pupil personnel services staff, to support students. Gather input from staff delivering or distributing meals. They can provide valuable insights about what they have seen and heard.
- Provide professional learning to support all staff in developing a deeper understanding of their role in supporting student social emotional competencies and well-being.
- Scaffold SEL to best support the developmental needs of students at all grade levels, from Pre-K through high school.
- Implement explicit SEL lessons and embed opportunities to develop and practice SEL competencies within academic lessons.
- Embed SEL and trauma-responsive practices in restorative discipline policies.
- Consider ways to mitigate the absence of school social activities like sports or clubs, such as socially distanced or online replacements.
- Consider teaching teams that work with the same cohort of students, with teacher teams meeting and communicating regularly. Consider a case-management style of checking in on students in the cohort.
- Consider home visits to students during remote instruction.
- Collaborate with community partners such as afterschool program providers, tapping into their expertise to provide additional support services, to increase the school's capacity to meet student needs and know students and families, including their strengths, needs, and aspirations.



## USING DATA FOR CONTINUOUS IMPROVEMENT

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Data collection for continuous improvement and reflection means data is used to understand what is happening, to identify challenges or roadblocks, and to figure out what is working. Schools should assess immediate needs but recognize the need to continue to reassess regularly as circumstances are likely to change frequently in this tumultuous time. Continuing to collect data to ensure accurate understandings of need is necessary to continue providing the most effective and efficient response. Schools may want to:

- Consider first why you are collecting data and what you want to learn from it.
- Collect and use data to support deeper relationships and improved supports for students, staff, and families.
- Engage stakeholders in the collection and review of data.
- Support staff in reflecting upon data to inform continuous improvement.

A more thorough overview of issues surrounding social and emotional data collection and use is available on pages 44-47 of [Social Emotional Learning: A Guide to Systemic Whole School Implementation](#).

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## RESOURCES

- [NYS Mental Health Education Resource & Training Center](#)
- [NYS Safe and Supportive Schools Technical Assistance Centers](#)
- [Mental Health Education Literacy in Schools: Linking to a Continuum of Well-Being Comprehensive Guide](#) - New York State Education Department
- [Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner's Regulation §100.2\(j\)](#) - New York State Education Department
- [Needs and Capacity Assessments](#) – Coalition for Community Schools
- [Districtwide SEL Needs and Resources Assessment](#) – CASEL District Resource Center (available for all schools)
- Visit [our companion webpage for additional social emotional well-being resources](#) to support this guidance.

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## RELIGIOUS AND INDEPENDENT SCHOOL SCHEDULES

In March 2020, COVID-19 required schools to make critical adjustments to their instructional model with little or no time to plan. As schools devise their Reopening Plans for the 2020-21 school year, plans must at least consider the resumption of in-person instruction. Schools may choose to do so through a variety of scheduling options. These decisions must be informed by the health and safety standards and the most up to date guidance from New York State Department of Health (DOH).

## REOPENING MANDATORY REQUIREMENT

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Each school and/or district Reopening Plan describes the school schedule planned for implementation at the beginning of the 2020-21 school year and to the extent practicable any contingent scheduling models it may consider if the situation warrants.

Per the July 13, 2020 New York State Department of Health guidance, plans should address a combination of in-person instruction and remote learning to facilitate a phased-in approach or hybrid model, which may be necessary at various times throughout the 2020-2021 school year. In cases where in-person instruction is not feasible, phased-in and hybrid models of education will need to consider if certain students will be prioritized for in-person instruction first or more frequently based on educational or other needs (e.g., early grades, students with disabilities, English language learners), and must balance this with equity, capacity, social distancing, PPE, feasibility, and learning considerations. These priorities, if applicable, shall be determined at the individual school level based upon the needs of student populations within such schools.

Consideration must also be given to the needs of students, family and staff as well as the realities of available space and student enrollment in each unique school building. Schools are given the choice to restructure their programs using flexible scheduling models - taking advantage of in person, remote, or hybrid learning models – and to provide synchronous and asynchronous instruction.

If COVID-19 cases develop, schools may consider restricting access within school facilities and across school grounds, particularly in affected areas, to avoid full school closures. In such instances, schools may choose to temporarily move classes where an individual has tested positive for COVID-19 to remote/virtual format until all contacts can be identified, notified, tested, and cleared. To maximize in-person instruction, schools should consider measures that can be implemented to decrease density and congregation in school facilities and on school grounds, when possible, such as:

- Finding alternative spaces in the community to allow for more in-person instruction;
- Adjusting class or work hours, where appropriate and possible;
- Limiting in-person presence to only those staff who are necessary to be at the school during normal school hours;
- Maintaining or increasing remote workforce (e.g., administrative staff) to accommodate social distancing guidelines;
- Staggering schedules and allowing more time between classes to reduce congestion in hallways, walkways, and buildings; and/or
- Shifting design of class schedules to accommodate social distancing guidelines, including cohorts (e.g., alternative classroom schedules, full-time in-person learning for younger students, and part-time distance learning for older students).

Schools should collaborate with stakeholders including, but not limited to, teachers, staff members, parents, community groups and the public school districts that provide certain

mandatory services (e.g. transportation, special education and nursing) when considering the alternate schedules. Plans must include how schedules will be shared and made available to the school community. Schools should share their scheduling plans with students, families, and staff as soon as possible before the start of the school year and anytime a change is needed in order to allow families to plan childcare and work arrangements. If schools begin to implement in-person and hybrid learning models, they must also be prepared to shift back to fully remote learning models should circumstances change and school buildings are required to close.

When religious and independent schools are developing the scheduling plan, there are multiple models to consider for reopening their campuses. These models include, but are not limited to:

1. A return of all students to campus with a variety of adaptations to meet State and local health requirements;
2. Some students returning and a slow integration of other students by age;
3. Cohorts of students on campus at various times;
4. Alternating days for students;
5. The use of distance learning to “decompress” the campus population; and
6. Extending the calendar year and day schedule.

Careful consideration of these and myriad other models allows a religious or independent school to find the best approach for its unique circumstances.

Regardless of the instructional model implemented, equity and access for all students must be the priority, including but not limited to students with disabilities, English language learners and students experiencing homelessness.

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## ATTENDANCE

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### ATTENDANCE FOR INSTRUCTIONAL PURPOSES

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#### REOPENING MANDATORY REQUIREMENTS

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Schools are responsible for developing a mechanism to collect and report daily teacher/student engagement or attendance, regardless of instructional setting.

#### ATTENDANCE CONSIDERATIONS

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Currently, guidance is not available for 2020-2021 Mandated Services Aid reporting for reimbursement. Remember to collect and report daily teacher/student engagement or attendance for Kindergarten through 12th grade, regardless of the instructional setting. Certain

hybrid models may not lend themselves to every content teacher connecting with every student enrolled in their class every day. This is true especially in departmentalized settings. Schools may wish to assign each homeroom teacher or advisory teacher as the daily point of contact for attendance purposes.

Since the guidelines for these programs will need to be updated to reflect the potential for additional COVID-19 related disruptions, we advise school leaders to document participation of both teachers and students very well.

Flexibility should be considered when monitoring attendance in a remote model. Parent schedules, availability of technology or other barriers may preclude students from connecting with teachers at a certain time.

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## EDUCATIONAL NEGLECT

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An allegation of educational neglect may be warranted when a custodial parent or guardian fails to ensure a child's prompt and regular attendance in school or keeps the child out of school for impermissible reasons resulting in an adverse effect on the child's educational progress, or imminent danger of such an adverse effect. Educational neglect should not be considered where the parent/guardian has kept their child home because they believe it is unsafe for their child to attend school in person during the pandemic, and the child is participating in remote learning opportunities.

Religious and independent schools are urged to reach out to their local departments of Social Services (LDSS) with any questions or concerns related to child welfare. The LDSS point of contact (POC) for your area may be found through the following link: [LDSS POCS](#). The Statewide Central Register of Child Abuse and Neglect, the hotline to report child abuse and neglect, should be contacted **only as a last resort**, after you have exhausted all other strategies to connect with students and families.

Reporting and investigation of suspected cases of educational neglect present a range of complex issues and challenges for local social services districts and religious and independent schools. It is in the best interest of these agencies, school, and the families they serve, to collaborate in addressing their concerns. From the process of reporting - a school's responsibility - and throughout the process of investigation, which is the purview of Child Protective Services (CPS), there will be numerous opportunities for timely intervention and collaboration involving students, parents, school officials, and CPS staff. This collaborative approach should lessen the need for Family Court referral and proceedings.

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## RESOURCES

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[Attendance Playbook: Smart Solutions for Reducing Chronic Absenteeism in the COVID Era](#)

## TEACHING AND LEARNING

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All students should feel safe, engaged, and excited about learning, whether in person, remote, or through a hybrid model. Relationships are at the heart of teaching and learning. Students want to return to their routines and a sense of normalcy, so all efforts should acknowledge the importance of setting a positive routine and welcoming environment that supports students during this unpredictable time. During the upcoming school year, it is of the utmost importance that individual student needs and equity are put at the center of all learning experiences. Flexibility is essential when planning for the fall, and schools should be prepared to shift between in-person, remote learning, and a hybrid model in a way that is least disruptive to students.

Nonpublic schools must provide 180 days, or the equivalent, of instruction each school year to their students. Instructional days shall be counted for programs that are delivered in person, remotely, or in a hybrid model.

The following section includes information about the mandatory requirements and recommended practices for schools as they prepare for the 2020-2021 school year.

## REOPENING PLAN MANDATORY REQUIREMENTS

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All schools must have a continuity of learning plan for the 2020-2021 school year. Such plan must prepare for in-person, remote, and hybrid models of instruction.

Equity should be at the heart of all school instructional decisions. All instruction should be developed so that whether delivered in-person, remotely, or through a hybrid model due to a local or state school closure, there are clear opportunities for instruction that are accessible to students.

For voluntarily registered nonpublic high schools offering a NYS diploma, instruction must be aligned with the outcomes in the [New York State Learning Standards](#).

Instruction aligned to the academic program must include regular and substantive interaction with a competent teacher regardless of the delivery method (e.g., in person, remote or hybrid).

Schools must create a clear communication plan for how students and their families/caregivers can contact the school and teachers with questions about their instruction and/or technology.

## CONSIDERATIONS FOR REOPENING PLANS

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- Consider the school academic calendar to provide the best opportunity for a successful opening of school and continuation of programming.
- Develop multiple scenarios for reopening.



- Consider changes to time and space in calendar and scheduling to decrease density on campus such as elongating the school day or week, extending or altering the school calendar, repurpose spaces for classrooms, and other alterations. (*e.g. Compress the fall calendar for boarding schools so that students leave at Thanksgiving and do not return until the new year.*)
- Consider organizing the academic calendar into small sections so should there be a disruption, only part of the grading calendar is disrupted.
- Consider using the late summer to offer remote instruction for students who need it.
- Study various plans that are being implemented including:
  - Sequencing the return of students to campus.
  - A rolling return of students to campus.
- Schools should develop a plan for how to support students who, due to the 2019-2020 school closure, need additional social, emotional, or academic support to ensure success in the 2020-2021 school year. Students and their families should be involved in the planning for any remediation or support whenever practicable.
- During the school closure, students may have experienced learning loss. Teachers and other school personnel should be mindful of this. Allow ample time for students to readjust to the school setting. Before students are assessed, spend time on socialization and creating a climate of safety, comfort, and routine.
- Use a locally determined formative or diagnostic assessment to determine individual student needs and target extra help to ensure both academic *and* social-emotional needs are addressed.
- Provide opportunities for staff to meet prior to the start of school to discuss individual student needs and share best practices with in-person, remote, or a hybrid model of learning.
- Identify any additional professional development needs for administrators, teachers and teaching assistants for the upcoming school year, particularly those needs related to teaching remotely and the use of technology.
- Explore flexible staffing configurations to accommodate faculty and staff.
- Faculty in vulnerable populations (those with compromised immune systems or over the age of 60 or 65) may wish to teach remotely. This can be arranged so as not to impact student progression through the school's academic program.
- Offering courses where a faculty member is teaching remotely -- some residential institutions are considering having students come to a classroom, with appropriate social distancing, and have the faculty member projected onto a screen in the room. This might create a greater sense of community than having students participate by themselves.
- Many institutions may have to cap the size of larger classes to accommodate social distancing, break them into multiple sections, or teach them remotely.
- Offer training and support for students and families/caregivers to ensure comfort and ease with instructional programs and any technological platforms and devices used to deliver instruction.

## PREKINDERGARTEN

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All children are capable of learning, achieving, and making developmental progress through access to a high-quality Prekindergarten program. When planning for the reopening of Prekindergarten programs, care must be taken to ensure that the needs of our youngest learners are addressed, whether instruction is provided in-person, remotely, or through a hybrid model. Nonpublic schools operating Prekindergarten programs should create a plan for providing continuity of instruction for in-person, remote, and hybrid learning models.

Preschool and Prekindergarten programs that are licensed/registered by the New York State Office of Children and Family Services (OCFS) or, in New York City, are permitted by the New York City Department of Health and Mental Hygiene (DOHMH) as child day care must follow the direction of their licensing agencies. Relevant guidance from those agencies may be found at [NYS OCFS's Division of Child Care Services webpage](#) and [NYC DOHMH's Child Care webpage](#).

Prekindergarten programs that are part of a nonpublic elementary or secondary school and are not licensed or registered as child day care should include prekindergarten in the school's Reopening Plan.

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## CONSIDERATIONS FOR REOPENING

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The following section provides information and potential flexibility that should be considered when developing Reopening Plans for Prekindergarten programs in the 2020-2021 school year.

### ***Health and Safety Considerations***

Prekindergarten programs should follow all guidelines set forth by the New York State Department of Health when planning for 2020-2021 Prekindergarten programming. The following health and safety guidance should also be considered:

- Family style eating should not be practiced, due to health and safety requirements.
- For classrooms without an interior bathroom, an adult should accompany each child to and from the bathroom outside the classroom and ensure that proper handwashing protocols are followed.
- Napping materials should be sanitized daily, and to the extent practicable, assigned to specific students for the school year.
- Center-based and small group learning is a critical component of a Prekindergarten instructional program. Schools should:
  - avoid centers that include multiple students using it at one time, such as water/sand tables, sensory table, etc.;
  - provide students with individual sets of materials to avoid sharing of common items; and
  - follow proper sanitation guidelines from the Department of Health after children have been at a learning center or in small groups.

### ***Instructional Practices and Programming Considerations***

- While the Department recognizes the importance of teacher and student interaction and peer interaction as best practices in early childhood education, schools should refrain from strategies and practices that encourage physical contact, such as hand-holding buddy systems.
- When developing remote learning plans, schools should be cognizant of the amount of time young learners are spending directly viewing screens. Time spent learning remotely can be devoted to authentic learning activities at home. For suggestions on websites and activities, please visit NYSED's [Continuity of Learning webpage](#).

### ***Cohorts Consideration***

To the extent practicable, schools should “cohort” students to limit the potential exposure to COVID-19. For the younger students, this means that they are self-contained, preassigned groups of students with reasonable group size limits.

- Responsible parties should enact measures to prevent intermingling between cohorts, to the extent possible, and make reasonable efforts to ensure that the cohorts are fixed – meaning containing the same students – for the duration of the COVID-19 public health crisis.
- Staff may instruct more than one cohort so long as appropriate social distancing is maintained.

### ***Considerations for Volunteers, Visitors, and Service Providers***

- Schools should limit the number of volunteers and unnecessary visitors to Prekindergarten classrooms.
- Schools should communicate clearly to volunteers and visitors any protocols that must be followed prior to entering prekindergarten classrooms.
- While in prekindergarten classrooms, volunteers and visitors should follow all the health guidance and protocols set forth by the Department of Health and schools.
- Disability service providers for preschoolers should follow all health and safety protocols set forth by the Department of Health and schools prior to entering the classroom.

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## NURSERY SCHOOLS

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### ***Voluntarily Registered Nursery Schools and Kindergartens (VRNS/K)***

- For guidance on VRNS/Ks, please see the [Reopening Schools Guidance](#).

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## GRADES K-6

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Students should receive instruction that is designed to facilitate their attainment of grade level learning expectations. There are no subject specific time requirements in grades K-6 for any subject with the exception of physical education (PE) (see separate section on PE).

Schools must plan for the possible contingency of fully remote learning. Remaining connected with a methodology in place to support student learning while at home must be considered in a school's Reopening Plan. All students should have access to and interaction with a competent teacher on a regular basis. Understanding that there are challenges with remote instruction that are particular to certain school communities as well as individual students, schools should strive to ensure teachers have daily contact with students in some format in order to support both their academic needs and social emotional wellbeing. Schools are responsible for developing a reporting mechanism to track teacher/student contact regardless of the instructional setting. (See Attendance section of this guide.)

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## GRADES 7–12 – PROGRAMS AND UNITS OF STUDY

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Students should be provided instruction designed to enable them to achieve grade level learning expectations. The intention is to provide the amount of instruction necessary to give students the opportunity to master a body of content in a certain subject.

As a result of the COVID-19 pandemic, schools must plan for various contingencies that may make it impossible for a specified amount of face to face contact between teachers and students. In order for schools to plan for various types of instructional models, including remote and hybrid models, schools should consider the instructional time normally needed as a benchmark for comparison when designing and delivering instruction aligned to the intermediate and commencement level standards. It is important to ensure that all students have equitable access to instructional opportunities provided by competent teachers.

Hours of instructional time are not defined as a student's time spent in front of a teacher or in front of a screen, but time engaged in learning under the guidance and direction of a teacher. These experiences might include but are not limited to: completing online modules or tasks; viewing instructional videos; responding to posts or instructor questions; engaging with other class participants in an online or phone discussion; conducting research; doing projects; or meeting with an instructor face to face, via an online platform, or by phone. Schools should ensure that students have access to assistance from a teacher when they need it.

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## FOR VOLUNTARILY REGISTERED NONPUBLIC SCHOOLS - UNITS OF CREDIT

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The priority for the instruction should be that which best prepares students to meet the learning outcomes for the course. The design of the course, the selection of the curriculum, and the student expectations are set locally by the school. Any student who achieves the learning outcomes for the course must be granted the unit of credit for such course if applicable.

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## SCIENCE LABORATORY REQUIREMENTS

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Per Commissioner's Regulations, courses that culminate in a Regents examination in science must include 1,200 minutes of laboratory experiences. Due to the possibility of a hybrid or

fully remote model of instruction as a result of COVID-19, the 1,200-minute lab requirement can be met through hands on laboratory experiences, virtual laboratory experiences, or a combination of virtual and hands-on laboratory experiences coupled with satisfactory lab reports for the 2020-21 school year. This laboratory requirement is in addition to the course requirement and entitles a student to admission to a culminating Regents Exam. The school is responsible for aligning laboratory experiences specific to each science course, determining the mode or modes of instruction, and identifying a viable vetted list of acceptable virtual labs or a combination of virtual and hands-on labs that a student would need to complete for each science course that culminates in a Regents examination. Schools must determine a method for students to record laboratory experiences and satisfactory lab reports. In a virtual environment emphasis should be placed on the quality of the experience and the satisfactory completion of each laboratory experience rather than the time spent in completing such laboratory experience. Any student who has completed all laboratory experiences in accordance with teacher expectations shall be deemed to have met the 1,200-minute requirement.

## ARTS

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Due to the hands-on nature of Arts instruction, additional considerations should be given to both the managing of Arts instructional spaces, as well as the development of instructional methods to teach the Arts via remote or hybrid models.

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### IN-PERSON INSTRUCTIONAL MODEL

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- Consider what students have already learned when designing curricula for next year. What artistic processes have students focused on during previous remote learning? What might need to be emphasized in the 2020-2021 school year?
- Prepare possible remote lessons in advance that enhance and align to classroom instruction to prepare for possible future school closures.
- Arts classrooms, sinks, costumes, instruments, mirrors, props, and other shared materials and surfaces should be cleaned following appropriate local, state, and [CDC guidelines](#). This includes drying racks, changing rooms, easels, stage/dance studio floors and music stands.
- Consider asking students to maintain individual kits of “high touch” supplies such as scissors, markers, pencils, erasers, etc. to limit sharing of supplies between students. These supplies could also be taken home and used should schools or students return to remote learning.
- Consider limiting use of or alternatives for hard to clean supplies that are usually recycled such as clay.
- Create visuals and markings on the floor to reinforce social distancing and manage the flow of students in the classroom.
- Have hand hygiene supplies close to shared materials and surfaces.
- Increase transition time to account for time needed for cleaning.



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## REMOTE INSTRUCTIONAL MODEL

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- Prepare for remote learning by planning individualized projects that can connect and reinforce in-person classroom learning.
- Consider in advance what materials might be suggested for students to have on hand at home or create assignment that can be completed with items easily found at home.
- Create a plan for how to give students assignments, feedback and track their progress.
- Consider combining synchronous and asynchronous learning opportunities to maintain community and teacher access.
- Develop digital and non-digital options for sharing student's creative works within the classroom and with the broader school community.

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## HYBRID INSTRUCTIONAL MODEL

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- Organize curricular lessons according to which must be done in person and which might be completed remotely to support in-person instruction.
- Determine methodologies to connect with students and support learning while students are at home.
- During in-person instruction prepare students with the skills and knowledge they will need when working remotely (e.g., online platforms, tools, available resources etc.).
- Use digital platforms and other methodologies that will enable students to collaborate on group projects even if at home.
- Focus on personalized learning.
- Utilize resources such as digital field trips and online arts collections. Resources such as these can be found on the [Continuity of Learning Website](#).

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## ARTS RESOURCES

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- [COVID-19 instrument Cleaning Guidelines](#) by National Federation of State High School Associations, National Associations for Music Education, and the NAMM foundation.
- [Guidance for Return to High School Marching Band](#) from the National Federation of State High School Associations Music Committee and Sports Medicine Advisory Council.
- School Bands Committee of the American Bandmasters Association has released [Considerations and Program Ideas for Band Teachers](#).
- [National Art Education Association's Preparing for the 2020-2021 School Year](#) published by the National Art Education Association
- Educational Theatre Associations [Recommendations for Reopening School Theatre Programs](#)
- Dance USA [Return to Dancing and Training Considerations due to Covid-19](#)

## PHYSICAL EDUCATION

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Participating in Physical Education (PE) is important for our students' health and wellbeing. Not only do PE activities benefit students' physical health, but research indicates regular physical activity improves students' mental health as well as contributes to academic success. School Reopening Plans should ensure that whether remote, hybrid or in-person models are utilized, students should be participating in physical activity under the direction and supervision of a competent physical education teacher to the extent practicable. Understanding that hybrid schedules may limit face to face class time with a PE instructor, such instructors should plan to the best of their ability, a menu of learning activities for students to engage in, either under the direction of their classroom teachers, other staff, or independently.

The Society of Health and Physical Educators (SHAPE) has released a website outlining [school reentry considerations](#) for returning to school in the 2020-2021 school year. The website provides excellent resources including, but not limited to equipment and safety; personal hygiene; recess; classroom-based activity; social emotional learning; trauma-sensitive learning environments; and student assessments. They also give suggestions for instructional strategies for in-person, remote and hybrid models. Several considerations are listed below; however, all resources can be found at the link above.

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### IN-PERSON LEARNING

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- Per New York State Department of Health Guidelines, schools should ensure that a distance of 12 feet in all directions is maintained between individuals while participating in activities that require aerobic activity and result in heavy breathing (e.g., participating in gym classes).
- Consider using a microphone and speaker when delivering instruction to students. The use of face coverings and the need for students to spread out to accommodate physical distancing may make it more difficult for teacher instructions to be heard.
- Focus more on individual pursuits or skills rather than traditional team sports or activities (e.g., dance and rhythms, exercises without equipment, fitness, mindfulness, outdoor pursuits, track and field, throwing underhand, kicking and target games).
- Use games and activities that require no physical contact and do not require students to be in close physical proximity to each other.
- Include opportunities for student choice and incorporate student-suggested activities when appropriate.
- Ensure lessons are planned around the available space for instruction.

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### REMOTE LEARNING

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- Create many opportunities for students to share and connect with one another.
- Review current curriculum and determine which lessons or activities can be repurposed as at-home work or completed online (depending on students' access to technology).

- Consider if students can participate safely in the selected activities. (Will students have enough space? Will an adult need to help or supervise the activity?)
- Consider if regular daily classroom routines and procedures can be translated into remote activities. This will help students feel a sense of familiarity while reinforcing the sense of community for the class.
- Consider special events or activities that can be done remotely (e.g., [At-Home Family Field Day](#)).
- Consider using videos or images demonstrating activities or skills.

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## HYBRID LEARNING

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- Consider assigning tasks for at-home completion and then have students apply the knowledge gained in the school setting (i.e., have students practice a skill at home and then apply it during a class activity).
- In school, have students participate in individual physical activities (e.g., dance, yoga, track and field, fitness stations) that comply with physical distancing guidelines and require little or no equipment. When students are at home, have them focus on activities for motor skill development (e.g., underhand throwing, self-toss and catch, catching with a parent or sibling).
- Consider a [flipped classroom](#) approach where students first learn about a topic at home and then come prepared to learn more about it in class (e.g., students watch a video about a subject at home, then in school, the teacher answers questions and teaches in more depth).
- Consider switching from providing direct instruction to more of a student-directed instruction approach (e.g., [project-based learning](#) or flipped classroom).
- Provide synchronous learning opportunities (distance learning that happens in real time) with opportunities for asynchronous learning as much as possible; record lessons to provide to students who may not have access in real time.
- Allow for optimal student choice and provide opportunities for students to engage with teachers directly and often. This will be crucial to keep students motivated. Additionally, students are more interested in seeing videos created by their own teachers than shared videos created by other teachers.

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## PHYSICAL EDUCATION RESOURCES

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- [CDC Consideration for Youth Sports](#), Guidance as of June 12, 2020 from the [CDC COVID-19 Youth Sports Web Page](#)
- [CDC Cleaning and Disinfection for Community Facilities](#), Guidance as of June 12, 2020 from the [CDC Covid-19 Cleaning and Disinfecting Web Page](#)
- SHAPE- K-12 Physical Education Health Education and Physical Activity Re-entry: [https://www.shapeamerica.org/advocacy/K-12\\_School\\_Re-entry\\_Considerations.aspx](https://www.shapeamerica.org/advocacy/K-12_School_Re-entry_Considerations.aspx)
- CDC- Guidance as of 5/19/20: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html>

## ACADEMIC INTERVENTION SERVICES

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Students in grades 3-8, including students with disabilities and English Language Learners who are at risk of not achieving State Learning Standards in English Language Arts, Mathematics, Social Studies, and or Science should receive Academic Intervention Services in accordance with Commissioner's Regulations section 100.2(ee). As the New York State Assessments in grades 3-8 were not administered in the 2019-20 school year, schools should use a locally developed procedure to be applied uniformly at each grade level for determining which students are entitled to such services. Schools may consider student's scores on multiple measures of student performance, which may include, but need not be limited to one or more of the following measures:

- Developmental reading assessment
- Benchmark and lesson embedded assessments
- Common formative assessments
- Unit and lesson assessments
- Results of psychoeducational evaluations
- Diagnostic screening for vision, hearing, and physical disabilities as well as screening for possible disabilities pursuant to Commissioners Regulations Part 117.

## GRADING

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Determination of grading policies continues to be the purview of each school. Due to local control, these policies vary widely across the state. Given the flexible instructional models, schools should develop grading policies applicable to each model that are clear and transparent to students, parents, and caregivers. Such policies should align clearly to the outcomes of the course.

## ASSESSMENT

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As schools develop instructional models under the three delivery methods, in-person, remote and hybrid, attention must be paid to how students are assessed and further, how student progress will be communicated to parents and caregivers.

The following are some criteria schools may wish to consider when developing their plan for assessments in the 2020-2021 school year:

- Focus on preassessment and embedded formative assessments to inform instruction
- Build in time and opportunities for educators to collaborate and plan for the creation of preassessments
- Consider the testing accommodation needs of some students when planning the approach to assessments.
- Determine a suite of assessment tools that can be utilized in various instructional models, remote, hybrid and in-person

- Develop a strategy to determine those students who are in need of academic intervention services (AIS) in accordance with the Department's guidance and plan to provide in-person, remotely, or in a hybrid model.

## LIBRARIES

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School Libraries are an integral part of the learning ecosystem, and school library media specialists play an essential role in helping students gain information, media, and digital fluency skills. Schools are encouraged to consider ways in which school library media specialists can play a supporting role in hybrid and remote instructional models.

## RESOURCES

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The following websites may be of assistance as schools plan for reopening:

- [Prekindergarten and Early Learning Resources](#)
- [Content Area Learning Standards/Office of Curriculum and Instruction](#)
- [Career and Technical Education](#)
- [Culturally Responsive Sustaining Education](#)
- [Continuity of Learning Resource Page](#)
- [Bilingual Education and World Languages](#)
- [Office of Special Education](#)

## ATHLETICS AND EXTRACURRICULAR ACTIVITIES

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Interscholastic sports and extracurricular activities are an important aspect of student life and the school community. During the COVID shutdown students were unable to engage in and enjoy these social activities that are part of the fabric of any school program. As schools plan for reopening in September, attention should be paid to bringing back activities that can be conducted in a safe environment with appropriate social distancing protocols. In addition, schools might consider extracurricular activities that can be continued remotely in the event of another shut down.

Per the [reopening guidance issued by the NYS Department of Health \(DOH\)](#), schools must develop policies regarding extracurricular programs, including which activities will be allowed, considering social distancing, PPE usage, and cleaning and disinfection, as well as risk of COVID-19 transmission (e.g., interscholastic sports, assemblies, and other gatherings). Policies should consider how to maintain cohorts, if applicable, or members of the same household. Schools should refer to [DOH's "Interim Guidance for Sports and Recreation During the COVID-19 Public Health Emergency"](#) to assist in development of these policies; however, interscholastic sports are not permitted at the time of publication of this guidance, and additional information on athletic activities is forthcoming.



## INTERSCHOLASTIC ATHLETICS

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Per the [NYDOH Guidance](#), interscholastic sports are not permitted at the time of publication of this guidance. Additional information is forthcoming.

The [New York State Public High School Athletic Association](#) (NYSPHSAA) has established a COVID-19 Task Force comprised of religious and independent school Athletic Directors and public school district administrators responsible for providing guidance to allow New York high school student-athletes to return to athletics as soon and as safely as possible. The task force is reviewing State and local health guidelines, as well as NYSED guidance, regarding the 2020-2021 school year to determine, among other things, the extent to which changes may be needed for each interscholastic sports season. The COVID-19 Task Force will continue to review all aspects of the fall 2020 season and the 2020-2021 school year related to the COVID-19 crisis, such as: practice requirement; fan attendance; resocialization efforts; protocol, procedures; transportation; etc. As more information becomes available it will be shared on the [NYSPHSAA website](#).

## CONSIDERATIONS FOR ATHLETICS AND EXTRACURRICULAR ACTIVITIES

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- Require all applicable social distancing requirements and hygiene protocol during any extracurricular activities.
- Require any external community organizations that use school facilities to follow school guidance on health and safety protocols.
- Maximize the use of technology and online resources to continue some extracurricular activities without additional person-to-person contact.
- Restrict and/or limit use of school facilities to school sponsored extracurricular activities and groups. If any external community organization are permitted to use school facilities, schools must ensure such organizations follow state and locally developed guidance on health and safety protocols.

## EXTRACURRICULAR ACTIVITIES AND USE OF FACILITIES OUTSIDE OF SCHOOL HOURS

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All extracurricular activities and external community organizations that use school facilities must follow school guidance on health and safety protocols and must comply with applicable social distancing requirements and hygiene protocol:

- Follow [NYDOH guidelines](#) and [CDC guidelines](#) on wearing of masks, handwashing and social distancing.
- For more information on cleaning and disinfecting, review sanitation guidelines from the CDC at [CDC Cleaning and Disinfection for Community Facilities and Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes](#).

## BILINGUAL EDUCATION AND WORLD LANGUAGES

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The spring 2020 COVID-19 crisis was extremely challenging for all students, but created particular difficulties for our most vulnerable students, including English Language Learners (ELLs). These challenges may have exacerbated existing educational inequities, like a lack of access to technology and reliable wireless fidelity (Wi-Fi) needed for remote learning.

As schools design their Reopening Plans, ELLs must be afforded the opportunity for full and equal participation whether it be through an in person, remote, or hybrid model of instruction. While many ELLs may have benefitted from learning through remote learning platforms, it is important to consider their unique needs and to strengthen the home language and supports necessary for English language development utilizing synchronous and asynchronous learning.

Schools are strongly encouraged to examine resources available on the [NYSED Office of Bilingual Education and World Languages](#) website as they develop their plans, as their curriculum is reviewed, as instructional plans are developed, and as educational materials are selected. Schools should contact their [Regional Bilingual Education Resource Networks \(RBERNs\)](#) if they need additional guidance/support during this process.

## CONSIDERATIONS AND BEST PRACTICES

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- Ensure that applicable teachers and administrators receive professional learning on topics related to use of technology and hybrid or remote learning strategies in topics related to ELLs. Establish protocols that promote coordination among English as a New Language (ENL) and content area teachers for the delivery of remote and hybrid learning.
- Adopt or develop progress monitoring tools to provide data that identifies gaps in student learning towards English language proficiency and towards content area proficiency in both English and students' home languages.
- Resume and create programs to address the specific needs of Students with Interrupted/Inconsistent Formal Education (SIFE), ELLs with IEPs, and other vulnerable populations during the reopening process.
- Allow 12<sup>th</sup> grade students who were unable to complete requirements in 2019-2020 to continue work towards earning the New York State Seal of Biliteracy in 2020-2021.
- Continue to utilize educational technology when teaching ELLs in both in-person and hybrid models to reinforce students' familiarity with these tools.
- Provide Emergent Multilingual Learners enrolled in Prekindergarten programs with instruction in their home languages during remote and hybrid learning.
- Actively engage students on a regular basis to assess their need for Social Emotional Well Being supports that address the unique experiences of ELLs and are delivered in or interpreted into students' home languages during remote or hybrid learning.
- Implement the practices described in the [Culturally Responsive-Sustaining Education Framework](#) during hybrid or remote learning.

- Maintain regular communication with the parents/guardians and other family members of ELLs to ensure that they are engaged in their children's education during the reopening process.

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## FAMILY PARTNERSHIPS AND COMMUNICATION

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Stakeholders who participated in the Reopening Schools Taskforce consistently stressed the need to provide information to families of ELLs in a language they understand in order to ensure that they can actively participate in their children's education. Educators, administrators, and parents/guardians should continue to work together to meet the needs of all ELLs/MLLs as seamlessly as possible as schools reopen in the fall. Collaboration and communication with parents/guardians and other family members should be provided in their preferred language when available.

*New York State English Language Learner Parent Hotline:* Parents and students can contact the NYS ELL/MLL [Parent Hotline](#) if they have questions or concerns related to language access or other aspects of parents and students' educational rights. This resource is operated by the New York State Language RBERN and it serves as a way for parents of ELLs/MLLs and persons in parental relation to inquire about their rights and the delivery of services for their children based on state regulations. It is intended to allow parents/guardians and students to inquire and receive responses in the top ten ELL/MLL home languages in NYS. The Parent Hotline can be reached via phone at (800) 469-8224 or via email at [nysparenthotline@nyu.edu](mailto:nysparenthotline@nyu.edu).

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## DOCUMENTS AND RESOURCES

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OBEWL and RBERNs resources are available to support ELLs/MLLs and World Language students and their parents/guardians as schools' transition from COVID-19 closures to the reopening of schools in an in-person, remote, or hybrid model.

- [OBEWL Home Page](#)
- [OBEWL ELL Resource Collection](#)
- [RBERN Contact Information](#)
- [The Blueprint For ELL/MLL Success](#)
- [Provision of Services to English Language Learners and World Languages Students During Statewide School Closures Due to the Novel Coronavirus \(COVID-19\) Outbreak in New York State](#)
- [Bridges SIFE Resources](#)
- [Interpretation and Translation Supports](#)
- [NYSESLAT Cancellation Parent Notification Letter](#)

## GLOSSARY OF TERMS

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### BILINGUAL EDUCATION AND WORLD LANGUAGES

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**Emergent Multilingual Learner (EMLL):** Students who are identified by the Emergent Multilingual Learner Profile Process as prekindergarten students whose home or primary language is other than English. The English language proficiency of prekindergarten students is not assessed, and therefore EMLLs may or may not be identified as ELLs when the ELL identification process is conducted in kindergarten.

**English As a New Language (ENL) Program:** A research-based English language development program comprised of two components: 1) Integrated ENL: Students receive core content area and English language development instruction including home language supports and appropriate ELL scaffolds; and 2) Stand-alone ENL: Students receive English language development instruction taught by a New York State certified English for Speakers of Other Languages (ESOL) teacher in order to acquire the English language needed for success in core content areas.

**English Language Learner:** A student who, by foreign birth or ancestry, speaks or understands a language other than English and who scores below a NYS designated level of proficiency on the NYSITELL or the NYSESLAT. The federal Every Student Succeeds Act (ESSA) refers to ELLs as “English Learners,” and ELLs are also sometimes referred to as Emergent Bilinguals or Dual Language Learners.

**Students with Inconsistent or Interrupted Formal Education (SIFE):** ELLs who have attended schools in the U.S. for less than twelve months and who, upon initial enrollment in schools are two or more years below grade level in literacy in their home language and/or two or more years below grade level in math due to inconsistent or interrupted schooling prior to arrival in the U.S. (NYSED is currently pursuing regulatory flexibility in order that time spent in remote learning during COVID-19 closures do not count toward the twelve months of enrollment at the time of SIFE identification).

### EARLY LEARNING (PREKINDERGARTEN)

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**Diagnostic Screening:** A preliminary method of distinguishing from the general population those students who may possibly be gifted, those students who may be suspected of having a disability and/or those students who possibly are limited English proficient; as defined in 8 NYCRR 117.2(f).

**Voluntary Registered of Nonpublic Nursery Schools and Kindergartens:** Programs for preschool children between the ages of three and five years as outlined in 8 NYCRR Part 125.

## SOCIAL EMOTIONAL LEARNING

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**Adverse Childhood Experiences (ACEs):** Potentially traumatic events that occur in childhood (0-17 years).<sup>9</sup>

**Multi-Tiered Systems of Support (MTSS):** An evidence-based approach to comprehensive program delivery that addresses academic and behavioral challenges including proactive activities for all students (universal interventions), targeted activities for students identified at-risk (secondary interventions) and intensive activities for students identified at high risk (tertiary interventions).

**Pupil Personnel Services (PPS):** Staff which includes school counselors, school social workers, school psychologists, mental health counselors and school nurses.

**Restorative Practices:** Processes and approaches designed to build community and meaningful relationships, develop shared values, help students better understand their behavior, how it impacts them- selves and others, and ultimately to use that self- and social awareness to repair damage caused to relationships as a result of inappropriate behavior.

**Social Emotional Learning (SEL):** The Collaborative for Academic, Social, and Emotional Learning (CASEL) defines SEL as, “the process through which children and adults understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions.”<sup>10</sup>

**Trauma-Responsive Practices:** Practices that help shift negative reactions to inappropriate student behavior to thoughtful responses that consider the root causes of behavior and help to support individual student needs to address those causes.

## TEACHING AND LEARNING

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**Academic Intervention Services:** Additional instruction which supplements the instruction provided in the general curriculum and assists students in meeting the State learning standards; services may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance.

**Device:** A computing device, such as a laptop, desktop, Chromebook, iPad, or full-size tablet. Phones and mini-tablets are not sufficient devices for learning purposes.

**Hybrid (blended) model:** A combination of in person and remote learning.

**In-person instruction:** Instruction that takes place with students in attendance at the school building.

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<sup>9</sup> Centers for Disease Control, (2020) Preventing Adverse Childhood Experiences

<sup>10</sup> Collaborative for Academic, Social, and Emotional Learning. (2020) What is SEL?



**Remote learning:** Instruction that takes place outside of the school building while the students are not in attendance at the school.

**Sufficient access** to the internet means that the student or teacher does not regularly experience issues (slowdowns, buffering, disconnections, unreliable connection, etc.) while participating in required or assigned instruction and learning activities.

**Unit of Credit:** The mastery of the learning outcomes set forth in a New York State-developed or locally developed syllabus for a given high school subject, after a student has had the opportunity to complete a unit of study in the given subject matter area.

## APPENDICES

### APPENDIX A - DIRECTIONS ON ACCESSING THE NONPUBLIC SCHOOL REOPENING SURVEY

The Reopening Survey is located in the New York State Education Department's Business Portal, which can be accessed at the following link: <https://portal.nysed.gov/abp/>.

Nonpublic schools with previously designated accounts should have their institution's assigned CEO log in using the username and password. More information for users with accounts that need assistance locating their username or password can be found on page 54.

#### ACCESSING THE APPLICATION

After logging into the Business Portal, you will be directed to the Business Portal home screen, which includes the list of applications you have been granted access to under "My Applications." The Reopening Survey is located within SED Monitoring and Vendor Performance System, as indicated below.



**Business Portal**  
You are logged in as

**My Applications**

- SEDAS User Guide
- Academic Intervention Services
- Mandated Services Aid
- NonPublic School Safety Equipment (NPSE)
- SED Delegated Account System (SEDAS)
- SED Monitoring and Vendor Performance System**
- SSBA Reimbursement

**Notice:**  
If the Superintendent or Principal has changed, please [click here](#).  
(Does **not** apply to Summer School principals.)

Once the user has accessed SED Monitoring and Vendor Performance System, a list of surveys that the user has access to will be displayed. The user should select “2020-21 School Re-Opening Plans – Religious and Independent Schools” to enter the survey, complete and submit.

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## USERNAME ASSISTANCE

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If the CEO or Delegated Account Administrator of the school has difficulty locating their username, e-mail the SEDDAS help desk to request the correct username at [SEDDAS@nysed.gov](mailto:SEDDAS@nysed.gov).

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## PASSWORD ASSISTANCE

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1. Go to the website <http://portal.nysed.gov/>.
2. On the right-hand side, at the top, click on “Reset Your Password.”
3. Enter your username, email address, and click in the check box next to where it says, “I’m not a robot.”
4. Click the “Submit” button.
5. You may be prompted to answer random questions for the reCAPTCHA system.
6. You will then be brought to a screen confirming your request has been received. An email will be generated and sent to you with directions on how to finish changing your password.
7. After opening the email message in your inbox, click the link that says, “Reset Password.”
8. A new webpage will open, and you may enter your new password there. Enter it twice. The page will inform you if it is not correct or if you have used it before.
9. Go back to the [portal.nysed.gov](http://portal.nysed.gov) webpage and enter your username and new password.

For additional help with your password, you can visit the Quick Guide for Password document located at: <http://www.p12.nysed.gov/seddas/seddas-password-reset.pdf>.

## APPENDIX B – NPSE DISINFECTANT PURCHASES FOR YEAR 7

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To meet the increased cleaning and disinfectant needs for school buildings due to the COVID-19 pandemic, cleaning and sanitation supplies are now eligible for reimbursement under the Year 7 Nonpublic School Safety Equipment (NPSE) Grant. Eligible nonpublic schools may purchase eligible supplies including those related to the disinfection and sanitation of school buildings intended to prevent the spread of COVID-19 and submit for reimbursement using their available year 7 allocations under NPSE. Please note, only one application for reimbursement can be submitted per school annually.

Nonpublic school leaders in nonprofit nonpublic schools have the ability to make an account in the eMarketplace and/or make purchases off state contracts to take advantage of competitive pricing as well. Utilizing state contracts can aide the schools in reducing time searching for lowest prices and simplify the purchasing process. Links to the current contracts available on the NYS Office of General Services (OGS) website are available here:

<https://ogs.ny.gov/procurement/ogs-centralized-awards-list>.

Many of the supplies included on state contracts at the link above are available for direct purchase from the NYS eMarketplace. Nonpublic school leaders can view the state contracts and search for eligible cleaning supplies in the NYS eMarketplace using the search engine feature provided at the following link: <https://ogs.ny.gov/procurement/emarketplace>. While searching is available to the public, only those with an authorized user account can add items to the cart and make purchases.

**A link to the Application for Eligibility to Participate in the NYS Contract Extension Program is available here:**

<https://ogs.ny.gov/system/files/documents/2020/06/eligibilityapplicationform.pdf>

In submitting an application to create an account, nonprofit nonpublic schools should use #54 to identify their organization's category on the application's category code. After completion, the form should be submitted to the NYS Office of General Services (OGS) at the address included at the bottom of the application. Once a school receives authorization, access to purchase off the state contracts and/or in the marketplace is granted and the nonpublic school can move forward with purchasing.

While benefitting from competitive pricing and state contracts is an option, nonpublic schools are not required to make purchases from the state contracts. Regardless, when submitting for reimbursement on the school's NPSE application, the nonpublic school should include any sanitation and/or disinfectant purchases under Section III, then mark the Other box and include the description and specification of the purchases.

Any questions pertaining to NPSE reimbursement and/or the purchase of cleaning supplies should be directed to [soris@nysed.gov](mailto:soris@nysed.gov).

## APPENDIX C – CONTACT INFORMATION

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Topic	Program Office	Email
<b>Facilities</b>	Facilities Planning	<a href="mailto:EMSCFP@nysed.gov">EMSCFP@nysed.gov</a>
<b>Transportation</b>	Pupil Transportation	<a href="mailto:transportation@nysed.gov">transportation@nysed.gov</a>



**EXHIBIT D**  
**TO DECLARATION OF**  
**RABBI NEUMAN**  
**(EXHIBIT 2)**



Pursuant to the Department of Health's *Interim Guidance for In-Person Instruction at Pre-K to Grade 12 Schools during the COVID-19 Public Health Emergency*, Bais Yaakov Ateres Miriam has developed an individual plan for reopening and operating during the COVID-19 public health emergency.

Our plan meets the standards set forth in the guidance and reflects engagement with school stakeholders and community members, including but not limited to administrators, faculty, staff, students, parents/legal guardians of students, local health departments, local health care providers, and affiliated organizations. Specifically, our plan covers: (1) reopening of school facilities for in-person instruction, (2) monitoring of health conditions, (3) containment of potential transmission of the 2019 novel coronavirus (COVID-19), and (4) closure of school facilities and in-person instruction, if necessitated by widespread virus transmission.

## **I. Reopening of School Facilities for In-Person Instruction**

### **Capacity:**

BYAM will be maximizing our 28,000 square feet of facility to capacitate all of our anticipated students and faculty. The facility will be arranged in a manner consistent with local building and fire code as well as Department of Health regulations to ensure adequate PPE, social distancing, food service, restroom facilities, and hand washing can be fully maintained. In the event public bussing is not provided by local school districts our parents will be requested to arrange carpooling for arrivals and dismissals.

### **Social Distancing:**

All students, faculty and staff will maintain appropriate social distancing as feasible, which means six feet of space in all directions between individuals unless safety or the core activity (e.g., instruction, using an elevator, traveling in common areas) requires a shorter distance or individuals are of the same household. Students, faculty, and staff will use face coverings and PPE when not social distancing. Likewise, utilizing the cohort methodology of infection control and mitigation, students and faculty BYAM will seek to maximize safety and social distancing to extent possible.



### **PPE and Face Coverings:**

PPE and face coverings will be used when social distancing is not being practiced. Students, faculty, staff, and other individuals will be directed to use facemasks and appropriate signage will be placed throughout the building.

### **Before and Aftercare Programs:**

All social distancing policies and procedures that apply to our regular school program will apply to our before and aftercare programs as well.

### **Vulnerable Populations:**

To the greatest extent possible, we will make accommodations for vulnerable students to allow them to participate in educational activities which may include extra PPE or social distancing for the particular student or teleconferencing and/or distance learning, when appropriate. Vulnerable faculty and staff will be encouraged to wear extra PPE such as gloves and/or face shields as appropriate.

### **Extracurricular Activities:**

Extracurricular activity will be minimized and when they will occur, proper social distancing and/or face coverings will be required. BYAM does not participate in any interscholastic sports.

### **Field Trips:**

Field trips will generally be limited. When field trips will occur, students, faculty and staff will be asked to social distance and/or wear appropriate face coverings as the situation dictates. Visitors will be limited, and facemasks will be required of visitors as well as temperature checks.

### **Transportation:**

All individuals will wear acceptable face coverings during transportation. Students whose physical and mental health would be impaired by wearing a mask will not be required to do so. All buses which are used every day will be cleaned/disinfected once a day. High contact spots will be wiped down after the morning or afternoon runs depending upon the disinfecting schedule. School buses will not be permitted to be equipped with hand sanitizer nor will staff carry personal bottles of hand sanitizer with them on school buses.

School bus drivers, monitors, attendants and mechanics will wear a face covering, will be trained and provided periodic refreshers on the proper use of personal protective equipment and the signs and symptoms of COVID-19, will perform a self-health assessment for symptoms of COVID-19 before arriving to work and will notify their employer and seek medical attention if they are experiencing any of the symptoms of COVID-19.



Transportation departments/carriers will provide Personal Protective Equipment such as masks and gloves for bus drivers, monitors and attendants in buses as well as hand sanitizer for all staff in their transportation locations such as dispatch offices, employee lunch/break rooms and/or bus garages. Bus drivers, monitors, and attendants who have direct physical contact with children will wear gloves.

### **Food Services:**

BYAM will not be serving school lunch service. All meals will be consumed by students and staff in their respective classroom or office. Appropriate social distancing will be maintained and measures to protect students with food allergies when providing meals in spaces outside the cafeteria, including appropriate staff training, will be maintained. Students will be trained and encouraged to perform hand hygiene before and after eating by washing their hands. Appropriate hand hygiene will be promoted through signage and teacher reinforcement and the sharing of food and beverages will be discouraged through the same means. Additionally, cleaning and disinfection prior to the next group of students arriving for meals, if served in the same common area, will take place.

### **Emergency Drills:**

Fire (evacuation) Drills and Lockdown Drills will be conducted without exceptions and as regularly conducted prior to the pandemic.

### **Mental Health, Behavioral, and Emotional Support Services and Programs:**

Teachers will be trained to observe for signs of mental, behavioral, and emotional issues with students. Such students will be referred for evaluation and proper next steps will be taken. The first referral for mental health will be to our on staff licensed clinical social worker.

### **Communication:**

There will be timely emails/newsletters sent out to parents and staff with updates and applicable instructions. Teachers and students will be trained in proper social distancing and hygiene protocol. Appropriate signage will be placed throughout the building and informational material will be kept for distribution in the main office. Likewise, this plan will be posted for our parent body to review.

Mr. Avraham Mayer, BYAM Executive Director, will be the designated coordinator and the main point of contact upon the identification of positive COVID-19 cases and will be responsible for subsequent communication. They will be responsible for answering questions from students, faculty, staff, and parents or legal guardians of students regarding the COVID-19 public health emergency and the plan implemented by the school.



### **Continuity of Learning:**

Our school will ensure learning will continue throughout the coming school year. Primarily, we will prepare for in-person instruction. Should the situation necessitate, we will allow for remote instruction, such as teleconferencing, if the need occurs. Hybrids of the two will also be made available if and as necessary. There will be clear opportunities for instruction that are accessible to students. Students and their families/caregivers can contact the school and teachers with questions about their instruction and/or technology via the main office number.

### **Attendance Taking:**

The school will collect and report daily teacher/student engagement or attendance, regardless of instructional setting via email and/or direct contact between the teacher and principal.

## **II. MONITORING OF HEALTH CONDITIONS**

The facilities have been properly disinfected and appropriate signage and disinfection stations have been set up throughout the building. Furthermore, we have procured the proper amount of PPE and face coverings for our students, faculty, and staff.

### **Hygiene Cleaning and Disinfection:**

School wide cleaning and disinfection will take place on a daily basis with cleaning products approved by the CDC for use against COVID-19.

### **Monitoring Health Conditions at School**

#### **Screening:**

Health screenings, including temperature checks, of students, faculty, staff and, where applicable, contractors, vendors, and visitors will take place daily. Individuals will have their temperature checked each day. If an individual presents a temperature of greater than 100.0°F, the individual will be denied entry into the facility or sent directly to a dedicated area prior to being picked up or otherwise sent home.

Staff will be required to use a daily screening questionnaire for faculty and staff to self assess for possible sickness. Parents will be required to self assess their children before sending them to school. Parents are required to immediately notify the school of a positive COVID-19 test. Likewise, if any child is found to not be feeling well, presents a fever, or other symptoms, the

student will be denied entry to the building and must be kept home. Remote health screening (e. by electronic survey, digital application, or telephone, which may involve the parent/legal guardian) before an individual reports to school, will be implemented if and when appropriate.





### **Testing Protocols:**

Staff and students will be referred to their primary care physicians for diagnostic testing for COVID-19, in consultation with local health department officials, when needed. Symptomatic individuals, close contacts of COVID-19 suspected or confirmed individuals and individuals with recent international travel or travel within a state with widespread transmission of COVID-19 as designated through the New York State Travel Advisory will be encouraged to be tested by their primary care physician before such individuals return to school.

### **Testing Responsibility:**

The local health department will be the community organization primarily responsible for referring, sourcing, and administering testing.

### **Early Warning Signs:**

We will follow the metrics signs established by state and local health departments that will serve as early warning signs that positive COVID-19 cases may be increasing beyond an acceptable level.

### **Communication:**

There will be timely emails/newsletters sent out to parents and staff with updates and applicable instructions. Teachers and students will be trained in proper social distancing and hygiene protocol. Appropriate signage will be placed throughout the building and informational material will be kept for distribution in the main office.

Mr. Avraham Mayer, BYAM Executive Director, will be the designated coordinator and the main point of contact upon the identification of positive COVID-19 cases and will be responsible for subsequent communication. They will be responsible for answering questions from students, faculty, staff, and parents or legal guardians of students regarding the COVID-19 public health emergency and the plan implemented by the school.



### **III. CONTAINMENT: RESPONSE AND PREVENTION**

#### **School Health Offices:**

If an individual develops symptoms of COVID-19 during the school day, he/she will be isolated from everyone and, in the case of a student, arrangements for the child to be taken home quickly will be made. Parents are required to ensure that they or their designee will be available to pick up a student on no more than 30 minutes notice.

#### **Isolation:**

Individuals who screen positive or those who become symptomatic while at school will be isolated and, in the case of a student, arrangements for the child to be taken home quickly will be made.

#### **Collection:**

Parents or guardians will be contacted and told to pick up their child. They will also be instructed that the child see a health care provider.

#### **Infected Individuals:**

Individuals that have tested positive must recover and cannot transmit COVID-19 will be allowed to return to in person learning. This will be conducted in coordination with the local health department.

#### **Exposed Individuals:**

Individuals who were exposed to the virus must complete quarantine before returning to in-person learning. This will be conducted in coordination with the local health department.

#### **Hygiene, Cleaning, and Disinfection:**

We will adhere to hygiene, cleaning, and disinfection guidance set forth by DOH and CDC.

#### **Contact Tracing:**

We will make every reasonable effort to support our local health department in contact tracing efforts.



**Communication:**

We will share protocols and safety measures with all relevant parties, including but not limited to, emails, newsletters, mailers etc.

**IV. CLOSURE AND CONTINGENCY PLANS**

**Closure triggers:**

In consultation with state and our local health department and local infectious disease physicians, we will identify conditions that may warrant reducing in-person education or closing of the school, and we will plan for an orderly closure with them.

**Operational Activity:**

Operations will be decreased and ceased via phases and milestones as the specific situation arises and determinations as to appropriate closures or partial closers will be done in consultation with the local health department.

**Communication:**

All changes and updates will be communicated to staff and parents and all other relevant individuals via emails, mailers, posters, signage, text messages, phones calls and our school website, as appropriate.

**Continuity of Learning:**

Our school will ensure learning will continue throughout the coming school year. Primarily, we will prepare for in-person instruction and will allow for remote instruction, such as teleconferencing, if the need occurs. Hybrids of the two will also be made available when appropriate. There will be clear opportunities for instruction that are accessible to students.

Students and their families/caregivers can contact the school and teachers with questions about their instruction and/or technology via the main office number.

**EXHIBIT E**  
**TO DECLARATION OF**  
**RABBI NEUMAN**  
**(EXHIBIT 2)**



October 8, 2020

Re: Covid-19 School Closures

Dear Nonpublic School Building Leaders,

As previously communicated, some areas of the city have been experiencing elevated rates of COVID-19 transmission. As a result, Governor Cuomo and Mayor de Blasio announced a plan earlier this week to help stop the spread of COVID-19 in these areas. The [Governor's Order](#) has been updated to include closing all school buildings in the affected areas no later than, Friday October 9, 2020.

If you are receiving this letter, your school is impacted by the Governor's Order as shown below. These zones are being defined by clusters of Red or Orange based on the impact of the virus. Being located in either of these zones means you must close and can only provide remote learning instruction for a minimum of 14 days. Please be advised that the Governor's Order was issued pursuant to New York State law, and violation will make the school subject to penalties, including but not limited to fines.

Zones will be monitored to determine if further closure will be required.

The initiative will currently apply to the clusters in the following areas:

- Brooklyn (One Area, Red and Orange) - Click [Here](#) for Map
- Queens (Two Areas, Red and Orange) - Click [Here](#) and [Here](#) for Maps

We will share additional information as it becomes available.

Please do not hesitate to reach out to our office at [ONPSinfo@schools.nyc.gov](mailto:ONPSinfo@schools.nyc.gov) with any questions or concerns.